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PRESENTED
TO
THE UNIVERSITY OF TORONTO
BY

Prime Minister of Cape Colony

RECORDS OF THE CAPE COLONY.



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RECORDS

OF THE

CAPE COLONY

From AUGUST 1822 to MAY 1823.

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BY

GEORGE McCALL THEAL, D.LIT., LL.D.,

COLONIAL HISTORIOGRAPHER.

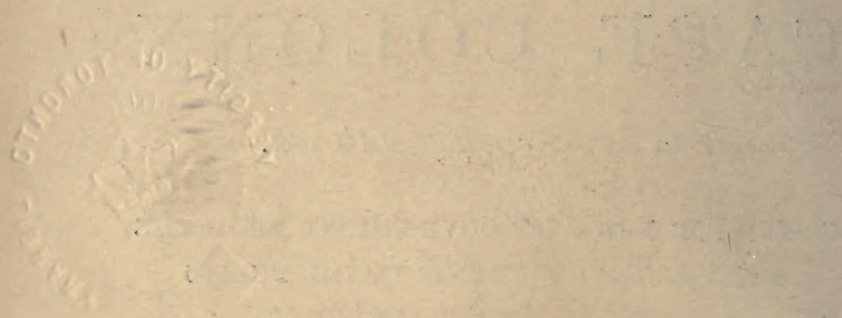
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RECORDS OF THE CAPE COLONY.

[Copy.]

*Letter from the Landdrost of the Cape District to the
Colonial Secretary.*

LANDDROST'S OFFICE, 3rd August 1822.

SIR,—I have the honor to forward to you, for the information of His Excellency the Governor, a statement of the damages done to the buildings &c. in the Cape District during the last heavy Rains as far as I have been able to ascertain this from the returns as yet received from the Field Cornets.

It is also with much regret I have to add that the losses sustained in the other parts of the District have been equally severe, and what is of far greater consequence than the accidents that have befallen the buildings, there are several farms in Zwartland which it is feared the occupiers will be obliged to abandon during the next summer on account of the Dams on which those farms entirely depend for water being filled with sand, without it being possible to clear them out in so short a time, and in many instances the means possessed by the Individuals to complete this essential but extremely laborious work are not equal to the Task.

I have &c.

(Signed) J. W. STOLL.

[The statement is lengthy, as all the details of damage done to each house and on each farm is given. It can be of no use now, so I have not copied it.—G. M. T.]

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, 5th August 1822.

MY LORD,—It is my painful duty to communicate to your Lordship the distress into which we are here plunged by a series of the most terrific storms with which this colony was ever visited. The oldest inhabitants recollect nothing similar, nor is there any record of gales and torrents of rain such as we have this winter experienced, and which have caused the destruction of public and private property to an immense amount.

Not to trouble your Lordship with details which might take up more of your valuable time than I ought to trespass upon, I beg shortly to recapitulate the extent of the principal damage done, as far as the accounts have yet reached me, for the communication with many parts of the country is quite cut off, and particularly from the Graaff Reynet's side, the mails from whence have not been received for the last fourteen days. From Tulbagh the magistrate writes word that every building, public or private, at that beautiful spot is either totally destroyed or rendered uninhabitable; the bridge is blown up, and the road over the mountains, one of our principal passes, is rendered so completely unserviceable that the magistrate does not anticipate its being practicable for waggons for a considerable time. At the town of Stellenbosch ninety-four buildings have suffered; some are either quite fallen or rendered so insecure as to be uninhabitable. At the town of Paarl sixty-nine dwellings have been seriously damaged; in the Wagenmaker's Valley forty cases of damage are reported, and the torrents from the hills were so dreadful that many vineyards are totally destroyed; some are covered by alluvian to the depth of more than three feet. At Hottentots Holland the elegant and commodious new church and the parsonage-house are quite destroyed, and twenty other cases of ruin are reported. At Caledon, the bath-house, the mill, and the other public and private buildings are materially damaged. At Groene Kloof the beautiful church of the establishment there is destroyed, as are all the Hottentot gardens; the public buildings of the Groote Post have suffered severely. At Simon's Town the officers' and men's barracks have fallen in; the officers' barracks

were erected by the naval department so late as 1817, in lieu of military buildings made over for the convenience of the naval establishment: the church there had previously fallen, although only built under Lord Howden's government. At Cape Town one wing of the great barrack is rendered so unsafe that it must be taken down; and upwards of one hundred cases of damage of consequence are reported, including great injury to the government house, which had previously been in a very dilapidated state. To this detail of calamity on shore I regret to have to add the wreck and total loss of eight vessels out of sixteen which were at our anchorage. But my fears are strongly excited for the crops on the ground, as I entertain serious apprehension that many will have been washed away, as we already know that some have been,—our principal grain country Zwart Land and the Koeberg being of an undulated surface, with a great proportion of light earth, apt to yield to the winter torrents in less unfavourable seasons than the present. Should such a calamity befall us in the exhausted state of the country, from the nearly total failure of our last two harvests by a disease in the corn, (also previously unknown here), our position will be very critical; and it is this that compels me to send this despatch by Major Cloete, who, being in possession of all the details of our misfortune, will have it in his power to communicate fully to your Lordship upon such points as may require further elucidation. Fortunately, my Lord, this colony can boast of not having been yet burdensome to its now parent country: it is yet without a shilling of public debt, and therefore it is in these circumstances that I must now find resource against the evils which have befallen, or are impending over it; and it is these circumstances which enable me with confidence to apply to your Lordship for the partial assistance of which we stand in immediate and pressing need. I shall not, I hope, be deemed intrusive, if I here briefly call to your Lordship's recollection that this government pays the whole of its establishment; that it has contributed considerably, and is likely still further to contribute, to the commissariat expenditure; and that even without such contribution, the whole expense of the military and naval establishments of the station is entirely covered by imposts, whether of customs or excise, levied on the produce of this place imported into England. I may therefore cursorily remark, that it is highly unjust that it should be stated, as it publicly has been, that this

country is any burden or expense to England; which on the contrary derives, even in this point of view, most important advantages from this possession, in the consumption of a very large quantity of its produce and manufactures, and the employment of much tonnage and many seamen. To prove to your Lordship how much has been effected by colonial economy, I need only recall to you the various new establishments which an increased population has called for, and the great expense incurred therein. I may remind your Lordship of the heavy charge the Settlers have hitherto been to us, independent of the expense which has been borne on this account by the Home Government, not less than 250,000 Rds. having been expended by the colony on their account; but I add to this, in order to show your Lordship what has been effected by our economy and management, that just previous to the visitation to which I have called your attention, I had had it in my power to make an advance to the distressed agriculturists to the amount of 200,000 Rds. (under regulations detailed in two proclamations which are enclosed) to enable them to purchase imported seed, and to assist them in the severe losses they had even then sustained. These circumstances your Lordship will, I trust, not deem irrelevant, as they are intended clearly to show that our finance will fully permit the measure I am about to suggest for your early approbation and concurrence.

I submit to your Lordship that a loan be effected in behalf of this colony to the extent of only £100,000 either at five per cent, or at such lower rate of interest as it may be practicable to negotiate it; that this loan be secured on the land revenue of the colony, which is a branch of revenue rapidly increasing as new lands are taken, easy of collection, and defined and certain in its amount: the last year's amount was within a fraction of 180,000 Rds. I beg to suggest that arrangements be made for paying the interest of this small loan in England, which it appears to me may be easily effected by an instruction to the receiver of land revenue to pay the amount quarterly to the department of commissariat here, upon the commissariat giving to him a certificate of the rate of the exchange of the day; this quarterly amount will then be credited by the commissary-general in his account with His Majesty's Treasury, and diminish the amount of bills the commissary-general would otherwise be under the necessity of drawing on the Treasury; and it will enable your Lordship, in

communication with my Lords Commissioners, to adopt such measures for the payment of the interest of the loan as shall appear on the spot most advisable.

I propose, if this measure meets your Lordship's concurrence, to draw on England for the amount now required, at such periods, and in such proportions as the exigency of the case shall necessitate; and I intend making advances under detailed regulations, not to individuals, but to the boards of magistracy of each province, holding the province responsible for capital and interest, leaving it to the magistracy to take security from the individuals of their district who require assistance. I propose that in the two first years the capital advanced shall bear legal interest, and that after that period, besides the interest payable thereon, the district shall repay ten per cent of the capital annually; thus that the district debt be repaid to the colonial treasury in twelve years. This circumstance makes it necessary that in any negotiation for a loan, such stipulation as shall meet your Lordship's approval be made for the principal being repaid in a certain number of years. It will be obvious to your Lordship that this measure will enable me to afford great relief to the sufferers without risk or sacrifice, and that indeed advantages worth adverting to may result from it. Your Lordship will see that I studiously avoid any permanent increase of paper currency, (the measure resorted to by my predecessors on all occasions of distress); that I do not risk the public revenue, since an amount, equal to what is surrendered of land revenue, will be receivable in another shape; and that it is probable that a drawing upon England to the extent required, under our present circumstances, may affect the exchange so as to render it less unfavourable to the colony than it has been for some time past; indeed it is worthy of remark, that the last measures I adopted by the proclamations to which I have before alluded, have, as I expected, already begun to restore the credit of our paper currency.

I am unaware of the mode to be adopted in England in negotiating the proposed loan; but if your Lordship will cause your commands to be given to the colonial agent, Mr. Courtenay, on this head, Major Cloete, who has full authority from me, will give him every information and assistance that may be requisite. Your Lordship will have observed that I have not calculated in the above suggestions upon the expense which rebuilding the

churches, barracks, and other public buildings of the first necessity will amount to, nor is it possible that I should transmit to your Lordship estimates which could even approximate to the truth; but I do not suppose that a less sum than £25,000 can suffice for the object; and I beg leave to add, that as this sum cannot be subtracted from any immediate saving of revenue, and as this treasury is exhausted by the aid I have already afforded to the agriculturists, it will be highly desirable and advantageous to this place if the above-mentioned loan may be extended so as to meet this exigence also, and that I may receive your Lordship's authority for its appropriation. Until that arrives, with respect to public buildings, I shall do little more than cause the ruins to be secured, and take such steps as shall obviate spoliation of the public property: the state however in which we must be, until favoured by your Lordship's approbation and concurrence in these measures, your Lordship will easily appreciate; and I therefore solicit most pressinglly the speedy return of Major Cloete with your Lordship's commands; and should any of His Majesty's vessels be under dispatch at the time of his return, it will be a valuable saving of expence if he be favoured with a passage therein. I have, &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LORD CHARLES SOMERSET to MR. WILLIAM PARKER.

NEWLANDS, Monday Evening, August 5th 1822.

SIR,—I have to acknowledge the receipt of your note of this date, requesting me to peruse a letter addressed by you to the Earl of Liverpool on the state of this Settlement. You must excuse me if I beg to decline doing so. You are perfectly competent to state to Lord Liverpool, or to any other individual, or to the public, your views upon the state of this colony; but as I am aware that you feel ardently on all subjects that occupy your mind, and as your pen must involuntarily be guided by those feelings, it would neither be agreeable nor perhaps decorous in me, holding the public situation I do, to peruse a paper which might contain a

warmth of expression which it is not my province to comment upon.

Upon the subject of pecuniary assistance, I must unequivocally say, unless you can satisfy the directors of the bank as to the security you offer them for a loan, I have no power to afford you any.

I am truly anxious to aid you relative to a voyage home, because I plainly see that every hour of your stay here must tend to increase your embarrassment. To convince you of my sincerity on this subject I have represented your case to the naval commander here, earnestly soliciting his kind interference in case an opportunity should offer for your accommodation on board a government vessel. I have &c.

(Signed) C. H. SOMERSET.

[Copy.]

Letter from the Landdrost of Tulbagh to the Colonial Secretary.

TULBAGH, 7th August 1822.

SIR,—I have the honor to acknowledge the receipt of your letter of the 2nd Instant conveying the benign sentiments of His Excellency the Governor in favor of those who have suffered so severely by the late Storms, and I beg you will have the goodness to inform His Excellency that I have lost no time in conveying to the Board of Landdrost and Heemraden as well as to the Inhabitants of this District information of the prompt manner His Excellency has stepped forward to their relief. I have also directed the several Field Cornets to inspect the losses sustained by the Inhabitants of their respective Wards, and to make specific Reports thereof.

It is my intention to proceed to Cape Town the beginning of next Month by way of Stellenbosch, and to bring with me such Reports as can be collected by that time, and a ground Plan of the Government Building here. I have &c.

(Signed) C. TRAPPES, Landdrost.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 8th August 1822.

MY LORD,—I have been honoured by your Lordship's Dispatch No. 4 with an enclosed note from His Excellency Baron Fagel to the Marquis of Londonderry, on behalf of the Owners of the Dutch Ship *Concord* which having met with severe weather at Sea, was obliged to put into Algoa Bay, where her Cargo was sold by public auction, in realizing the amount of which the Agents for the Owners had experienced difficulty and delay. As the whole amount of Principal and Interest due in this case had been paid previous to my being honoured with your Lordship's commands on this head, as your Lordship will see by the accompanying statement of the Account, it will not be essential that I enter into the subject very much at length, and indeed, owing to the great distance from hence I have but lately been able satisfactorily to ascertain the nature of the case in all its bearings, but I deem it necessary to acquaint your Lordship in order that Baron Fagel may understand this matter fully on any similar occasion, that the Secretaries of the Distant Districts act as Vendue Masters under instructions which have not received alteration since the change of Government, and that I am advised by the Law Officers of this Government, that the Government is not liable in cases of defalcation, but that upon such cases being reported the promptest measures are adopted by a process similar to that of Estreat to secure the Vendue Creditor. But even supposing the liability insinuated by Baron Fagel it could only be in such cases in which the Party had promptly notified the default; in the present case the Agents of the *Concord* took upon themselves to give time and made themselves thereby liable to any consequences which might have ensued. However, as soon as the default was officially made known rigorous proceedings were instituted against the Vendue Master, his property was sequestrated and the vendue debt being considered preferent, it was satisfied to the full as soon as his Estate could be brought to liquidation. With respect to Vendue Charges, they are 5 per cent only on Moveables of every description and any charge beyond that must have been irregular

and was certainly not made by the Vendue Master. The Goods sold must have paid the usual duties payable on imports from the East, but that will have been specified in the Account of the Agents Messrs. Van Hall, Sappé and Muntingh, who well know that no charge of 20 per cent was ever admitted upon a Vendue Account. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost and
Heemraden of the Cape District.*

COLONIAL OFFICE, 8th August 1822.

GENTLEMEN,—Referring to the proclamation of this day, and to my circular of the 2nd instant, I am commanded to acquaint you that his Excellency the Governor has directed a warrant to be prepared in favour of your board to the amount of 30,000 rix dollars, which sum His Excellency is pleased to authorize you to distribute to such individuals as shall stand in need of immediate assistance in consequence of losses in their buildings or premises during the late terrific storms, but to such only. In cases like the present it is not possible to point out the description of security which it is necessary you should take from those obtaining relief, yet it is of the greatest importance that you should act in this, and in all other similar cases, with the greatest caution, as it is not to be expected that repayment shall not be rigidly exacted. His Excellency has notified in his proclamation that it is not his intention to cause any increase of colonial currency by the present measures; and in fact, although his Excellency has authorized this temporary increase, he will cause the amount to be destroyed, as therein stated, the moment the ulterior measures are effected, which ulterior measures will consist in effecting a loan in behalf of this government adequate to the exigencies of the times. Thus the colonial government will stand between the individuals relieved and the parties who are expected to advance the aid required; it will be surety for them; it is clear therefore that the strictest punctuality must be attended to to render this operation effectual

and beneficial to all concerned; by keeping faith confidence is created, and we shall have resources to lean upon if misfortune again overtake us; by want of punctuality the door will be shut by ourselves against assistance under similar calamities. His Excellency has therefore adopted the present line, as it is not possible the board of landdrost and heemraden should not be better acquainted with individual circumstances than any other set of persons; the sufferers are their neighbours, whose means they are respectively and intimately acquainted with, and of whose claim to relief they must be the best arbiters; it is therefore that his Excellency considers it necessary to hold the whole district responsible for this advance, and that he will require an acknowledgment from your board to that effect.

The loan will be at legal interest for the first two years, after which repayment is to commence at the rate of ten per cent upon the capital of the loan advanced, so that the whole shall be redeemed in twelve years. Thus half-yearly payments of interest must be made by the district, without regard to its having received it; for if there be defalcation, it must be made good by district assessment, and the repayment must be effected upon similar principles. I have &c.

(Signed) C. BIRD.

A letter in the same terms was sent to the Landdrost of Tulbagh on the same date.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has appeared to me to be expedient to grant the earliest relief possible to the sufferers by the late storms and torrents, and in consequence to cause to be issued to the boards of landdrost and heemraden of the districts which have suffered a moderate loan, to be by them distributed to such as stand most in need thereof, under such security as the respective boards shall deem advisable, the boards and districts being to be considered responsible to His Majesty's treasury for the principal and interest

advanced on this occasion : And whereas it has been reported to me that the late advances made to meet the difficulties into which the agriculturists had been thrown, from causes then referred to, have not left sufficient means at the disposal of the receiver-general for the present exigence ; under which circumstance I have deemed it advisable to cause a sum of 200,000 rixdollars, paper currency, to be prepared and issued as usual to His Majesty's receiver-general, not intending thereby to effect any permanent increase of the colonial paper currency, but under an injunction to cause a like amount of paper currency to be publicly burnt and destroyed as soon as the measures I am now adopting for the relief of the sufferers aforesaid shall be completed ;

These are, therefore, to order and direct, in virtue of the power and authority by His Majesty in me vested, that the secretary of the court of justice do, on Friday the 9th instant, attend at the colonial secretary's office, where, on application to the colonial secretary (in whose custody they are), he will receive the stamps, together with a quantity of cartoon necessary for the purpose ; and that he do, in the presence of the fiscal and two members of the court of justice, who are hereby required to attend at the time aforesaid, at the usual place and in the usual manner, cause the number of 2,000 pieces of 100 rixdollars, the backs of which are orange, and marked [100], to be stamped ; which pieces, when so stamped, are to be delivered by the fiscal and members of the court of justice aforesaid to the colonial secretary, to whom they are also at the same time to return the stamps ; which stamps being replaced in the box in which they are usually kept, the box shall be sealed with my seal, and with that of the court of justice, so to remain until further wanted ; of all which the fiscal and members of the court of justice are to make a public act of certification in the presence of the court on the next court day, to be registered in the records of the court.

And it is further directed that such stamped pieces (being regularly marked and numbered), and the value of each piece with the date duly printed thereon, shall be signed by Messrs. W. Hiddingh, W. J. Klerck, and J. C. Gie, M.S.

And it is hereby also further directed, that the money so stamped and signed do remain in the custody of His Majesty's receiver-general, who shall not (as usual) carry the same to the account of receipt of revenue, but shall hold it until further orders

be given herein for its appropriation for the purposes above mentioned.

And for the several matters herein mentioned this shall be to all concerned a full and sufficient warrant; and for the public information and satisfaction, it is further directed that it shall be published and affixed in the manner usual with all other proclamations.

God save the King!

Given under my hand and seal, at the Cape of Good Hope, this 8th day of August 1822.]

(Signed) C. H. SOMERSET.

[Original.]

Letter from MR. WILLIAM PARKER to ROBERT WILMOT, ESQRE.

CAPE TOWN, 8th August 1822.

SIR,—As it is publicly known that Captain Cloete embarks on board the *Jemima* with despatches for the Colonial Department, I beg leave to inform you, that I have written to the Earl of Liverpool informing his Lordship that Popery is still influential in the Councils of this Government in the person of Lieut. Colonel Christopher Bird the Colonial Secretary. I am much surprized that the Colonial Department has not noticed the numerous communications I made to it on this important subject, particularly since Lord Charles Somerset's resuming the government of *this truly ill fated Colony*, where one general scene of misery and deep distress prevails.

Here Sir there is only one Paper, the *Cape Town Gazette*, the organ of the Government, and communications to that Paper, on subjects of deep interest to suffering humanity have been refused insertion, although offered as Advertisements, because a Popish Secretary objected thereto. I have sent the particulars to Lord Liverpool, as *I feel much hurt at the gross negligence of the Colonial Department, which* I shall take care to have brought in an effectual manner before Parliament on my return to London.

It is Sir not to be endured, that loyal and Free Born Britons

should be subject to Egyptian bondage under a Jesuit Secretary in South Africa.

The Almighty has continued to visit this entire Settlement with his awful displeasure for the disregarding of everything which Britons were taught to hold sacred, above all the inestimable blessings of the British Constitution. I have suffered most severely and it indeed appears that Earl Bathurst is well content to let my sufferings continue. But I shall endeavour to open his Lordship's eyes and those of the British Public to the mismanagement of the British Colonies. He has forced me to this alternative, which shall be executed with truth, spirit and candour.

I have &c.

(Signed) WM. PARKER.

[Copy.]

Letter from the Colonial Secretary to the Consistory of the Dutch Reformed Church, Capetown.

COLONIAL OFFICE, 9th August 1822.

GENTLEMEN,—Having submitted to His Excellency the Governor your letter of the 22nd Ultimo on the subject of the Salaries which will be now payable to the Ministers of the Reformed Church of Cape Town, in consequence of the appointment of a 3rd Minister to fill up the ancient Establishment of the ministry of this Town, I am directed to acquaint you, that it is not His Excellency the Governor's intention to disturb the Salaries now received by the officiating ministers, but that His Excellency purposes affixing a Salary of Rds. 2500 to the junior minister's situation, which will encrease as he shall succeed to vacancies upon the fixed Establishment. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 10th of August 1822.

MY LORD,—I do myself the honour to transmit to your Lordship a copy of a letter which I have received from the Treasurer of His Majesty's Navy, desiring to know whether Mr. William Wilberforce Bird continues to officiate in the office of Customs at the Cape of Good Hope, and stating that Mr. Bird has not only withheld from officers and seamen of His Majesty's ships prize proceeds to a considerable amount, but that he likewise contumaciously refuses to give appearances to sundry Processes issued against him from the High Court of Admiralty, and duly served upon him more than three years since. Connected with this subject, I also enclose copies of papers which have been transmitted to this department by desire of the Lords Commissioners of the Admiralty complaining of the conduct of Mr. Bird in withholding prize money from seamen of His Majesty's Service, and I have in consequence to desire your Lordship would be pleased to cause a communication to be immediately made to Mr. Bird directing him to furnish a Report on circumstances which appear to require the fullest explanation. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 12th August 1822.

SIR,—The frequent depredations which have been committed on the Cattle of the Settlers and others in the District of Albany by small parties of Caffres, who by concealing themselves in the Bushes, and moving by night succeed in evading all the measures which the best concerted Plans of precaution and Military arrangements strictly enforced have been able to provide for their discovery, having caused constant and numerous applications to me from the Settlers for the means of defending themselves, and their property

from these incursions and robberies which I observe have created considerable alarm, I am induced to suggest for the consideration of His Excellency the Governor, the expediency of enrolling with a view to afterwards arming, a certain proportion of the English residents and Settlers within prescribed ages commencing with the unmarried and dividing them into Classes or Companies according as their Locations may be situated (under Field Cornets) acting under the direction of a Field Commandant, who should receive his orders from the Landdrost.

Should this general suggestion meet the concurrence and approbation of His Excellency, I would propose that a Monthly or perhaps at first a Weekly muster of each Division should be held at a convenient spot to be fixed; when each person should be required to attend and produce his Musket clean and fit for Service, and a Depôt for Ammunition should be required in some central and secure situation, which should be placed under the charge probably of a Non Commissioned Officer of the Army with a small Military Guard, and every person should be allowed a certain number of Rounds of Ammunition, which he would be held accountable to produce at all Musters. A plan of Signal for alarm and assembling should also be established.

I am of opinion that this enrolment and supply of Arms should extend only to the Mechanics, Tradesmen and Laborers, of whom I conceive a number of Five or Six hundred would readily come forward if called upon or allowed, which would afford a very valuable and useful Body, capable of defending the habitations and property of the Community in the event of the Military Force on the Frontier being required for offensive or distant operations.

Of the arms and ammunition formerly supplied to the Settlers, I find that the Muskets have been either lost, or are unfit for use, and the ammunition has been expended.

There is another Class of Settlers consisting of a superior description of Persons, many of whom have held Commissions in the Army and Navy, (some are now on half pay) who could not well be associated in the way proposed, but whose services could I conceive be most usefully employed as an auxiliary if required, to the regular Forces, and might be obtained by forming them (as they almost all keep Horses for their agricultural pursuits) into a Troop amounting perhaps to Fifty Persons of mounted

Yeomen, whom the Government would supply with accoutrements, and probably allow to elect their own Officers from among themselves; placing them under the direct orders and making them subject to the authority of the Landdrost.

Independent of the objects for which I have taken the liberty of suggesting this measure, I conceive there are obvious advantages which would result from it, and I am of opinion that the whole should be required to take the customary Oath of Allegiance.

I shall have the honor hereafter if His Excellency should authorize and direct a further consideration of this subject, to submit such details of propositions and information as may be required. I have &c.

(Signed) H. RIVERS.

[Original.]

*Letter from SIR RUFANE SHAW DONKIN to
ROBERT WILMOT, ESQRE.*

STOKESLEY, YORKSHIRE, *August 13, 1822.*

SIR,—I last night only had the honor of receiving your letter of July, on my arrival here from Cheltenham, to which place it had been addressed.

I lose no time in acknowledging the receipt of it and its Enclosures relative to certain Grants of Land made by me at the Cape of Good Hope, the Grounds of which Grants I shall state to you, as you desire, for Earl Bathurst's information as soon as I can go through the details necessary in explanation of those Grants.

I regret the delay which has occurred in my getting your letter; and had it reached me at Cheltenham, I should have taken London in my way to the North, in order to refer to any papers relating to the Cape of Good Hope. This I have not now the power of doing; but, resting as I do most firmly, on the consciousness of never having made any grants of public Lands or Monies during my administration of that Government but on principles which will bear the closest scrutiny, I have no hesitation in saying, even before I have had time thoroughly to go into the Enclosures of your letter, that I will answer them in such a way as shall be

satisfactory to Earl Bathurst; and I have to express to his Lordship my grateful acknowledgements for his having thus afforded me the opportunity of replying to the documents in question.

I have &c.

(Signed) R. S. DONKIN.

[Copy.]

Extracts from a Letter from the REVEREND W. R. THOMSON
to the COLONIAL SECRETARY.

CHUMIE, 16th August 1822.

It gives me pleasure to know that His Excellency the Governor has directed his attention to the subject of trade with the Kaffers. I know not whether it comes within my province to offer any remarks or opinion upon it, and would therefore submit any observations with the greatest deference and humility. That such a traffick is desireable is generally agreed. The question therefore is, upon what principles it shall be established. I some time ago wrote Colonel H. M. Scott my opinion of the plan with the red earth, that I feared it would not succeed, from this reason, that the Kaffers consider it purely ornamental, and I have always found that they are unwilling to give anything in exchange for ornaments even of a more durable nature. Their rings, beads, buttons, &^{ca}, though ornaments, are also considered current payment for any article. A Fair which was proposed previous to my coming here, though more liberal in its design is perhaps objectionable upon other grounds. It occurs to me that it would beget an extreme licentiousness of mind in the Kaffers, which on some occasion may perhaps induce them, in the height of spirits to attempt the Commission of Excesses within the Colony. The individual benefit to Colonists would not be great if they attended in numbers. With the strictest oversight it would scarcely be possible to prevent abuses or contraband trading, or at least the making of assignments for that purpose, which the greatest vigilance of a more numerous Military Force upon such an extensive Frontier would scarcely interrupt. The objection that the Kaffers, after coming home and looking at their toys and trinkets for a

time, will throw them away, dissatisfied with their bargain, and enraged against the Colonists for imposition, is I conceive without much strength, they are not easily captivated with shew and glitter.

Not being aware of any other plan, I shall now respectfully submit the following propositions: That the exclusive trade be farmed out to one Individual only, who shall hold a monthly market at Willshire Barracks and the two new ones which are about to be erected, or at least in their neighbourhood. That the person appointed should not for obvious reasons hold the situation of Pachter. That he shall pay his purchases with Coin (farthings perhaps might serve in the first instance) with a hole drilled in the edge, with which they may afterwards purchase beads, buttons or what else they may chuse. Other parts of the detail will readily occur to yourself, such as the articles to be bought and sold &^{ca}. I would here recommend to your consideration whether the corn of the natives might not be included. In seasons such as the present, when provisions are dear it would form a very cheap substitute for wheat or rice to the labouring classes. It forms also an excellent food for horses. If the Kaffers were encouraged in this way to grow it in quantity, it might eventually induce fixed agricultural habits upon them.

The object to be gained by proposing to farm out the privilege to one person is, that the Colonial Authorities will be thereby able more effectually to controul and direct the trade, and prevent abuses. The circulation of the market from place to place and its occurrence monthly will divide the influx of people and in some measure remedy an objection formerly stated. The proposal of paying all purchases in coin or farthings appears I confess a childish conceit, but by considering it as founded on the previous taste and disposition of the people it will not I hope seem so ridiculous. They will make a show upon their kross equal to the buttons with which it is adorned, and when they once rightly understood the nature of them as money convertible at any time into other articles equal in value to the nominal value of the coin, they would be preferred in payment, I think, to any other article, and in time a circulating medium would be introduced among themselves, which would beget an internal trading disposition, and this almost universally leads to industry and improvement. Again, finding that this coin received its chief value from their

connection with the Colony, the more of it there was in circulation among them, the greater would be their interest to remain at peace and friendship.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL DEPARTMENT, LONDON, 20th August 1822.

MY LORD,—I do myself the honour of transmitting to your Lordship an order of His Majesty in Council affirming the judgment of the Court of appeals at the Cape of Good Hope of the 5th of June 1819 in the case of Anderson and a Female Slave named Steyntje, and I have received His Majesty's commands to desire your Lordship would undertake the necessary measures for carrying the same into immediate execution. I have &c.

(Signed) BATHURST.

[Copy.]

Memorial of MR. D. P. FRANCIS.

To His Excellency the Right Honourable General Lord C. H. Somerset, Governor and Commander in Chief of the Colony of the Cape of Good Hope.

The Memorial of David Polley Francis Humbly Sheweth

That Memorialist arrived in this Colony on the 30th of April, 1820, as a Settler with the party under the direction of Mr. William Parker; in consequence of the difference of opinion as to the inadequacy of the lands assigned Mr. Parker's Party at Clan William, Memorialist was induced to separate himself and articled Servants from the above party and proceed to the Zuurveldt, where lands of an unobjectionable quality were promised him by the then acting Governor Sir Rufane Shawe Donkin, but it was not carried into effect, as the authorities had received no instructions respecting Memorialist or his Location, and he was

with the assistance of a Dutch Boor obliged to Locate himself. Memorialist is not disposed to enter into a detail of the many privations, sufferings, and disappointments, as well as almost the total loss of property he has met with in this Colony, but respectfully solicits your Excellency will be pleased to grant him the Waste Lands which surround his place of location in the District of Albany, contiguous to the farm called Assegaibush on the North, and on the East and South East by the Lands of Dirk van der Scheiff and Frederik Rensburg, and on the West by the place of Jacobus Potgiether, as these lands cannot be available to any other person but Memorialist, *there being no water* but where his house and buildings are situated. Memorialist is induced under all the circumstances to hope Your Excellency will be pleased to grant his request, and as in duty bound he will ever pray.

(Signed) D. P. FRANCIS.

27 LONG STREET, CAPE TOWN, 20th August 1822.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL DEPARTMENT, LONDON, 21st August 1822.

MY LORD,—I do myself the honour to acknowledge the receipt of your Lordship's dispatch No. 7 of the 25th of March last enclosing copies of Proceedings in the Court of Criminal Justice at the Cape under which Sentence of Death was awarded against Martinus Blom convicted of Murder, and against Windvogel convicted of a similar Crime. And I have much satisfaction in acquainting your Lordship that the circumstances represented in the Documents which accompanied your despatch have led to an extension of the Royal Mercy in favour of the Delinquents. The Instruments herewith transmitted convey a commutation of punishment awarded in these cases respectively, and I have only to direct your Lordship's attention to the conditions on which the Clemency of the Crown has been shewn. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 21st August 1822.

SIR,—His Excellency the Governor has directed me to transmit to you the enclosed Copy of a Memorial from Mr. D. P. Francis praying for the reasons therein stated that the lands surrounding his location may be granted to him. And His Excellency desires that as the Applicant is in Cape Town, and waits the result of his petition, you may be pleased to report thereon at your earliest convenience. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 22nd August 1822.

MY LORD,—I do myself the honour, by Earl Bathurst's direction, to submit to your Lordship's consideration the accompanying letter from the mother of John Hargrave Cooper, who accompanied the party which proceeded to the Cape in 1819 under the direction of Mr. Thomas Rowles. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 26th August 1822.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's Dispatch No. 9, dated 31st January 1822, calling for an authenticated Certificate of the Death of a Person named Barend Möller, who is stated to have died on the 24th September 1808, at the house of J. A. de Theron, in Goudine, in the District

of Tulbagh; and in reply I beg to transmit to your Lordship a copy of a letter from the Orphan Board at this place, giving cover to a Certificate of the Death of said Möller, granted by two respectable Inhabitants, and Countersigned by the Magistrate of the District. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Memorial of GEORGE GATEHOUSE.

To the Right Honourable Earl Bathurst, His Majesty's Secretary of State for the Colonies, &c., &c.

May it please your Lordship,

The memorial of George Gatehouse belonging to Mr. William Cock's party, located near Bathurst in the Province of Albany, South Africa, most humbly Sheweth

That Your Lordship's Memorialist participating in the difficulties with which his native country was recently visited, gratefully embraced the opportunity which was generously offered of emigrating to this part of His Majesty's foreign possessions in the year 1819, but as he resided at a distance from the British Metropolis, he was not so fortunate as to apply for a passage until the several parties were nearly all complete, he found great obstacles to surmount previous to the attainment of his object, and the *Weymouth* being at anchor off the Port where your Lordship's Memorialist resided, a vacancy occurred in the party which was superintended by Mr. William Cock (then on board) by the defection of one Ingram, who was a single man, and your Memorialist was accordingly admitted in his stead, and under his name, in order to save the additional trouble which the alteration might occasion at your Lordship's Office; but as the wife and children of your Memorialist could not proceed with him to this Colony, by virtue of that arrangement, (and unfortunately for him, he could make no other) he left them with tears of affection and distress, and under such acute and painful feelings as no human language can describe, yet hoping that he might shortly be enabled

by the bounty of divine providence to defray the expences attending their voyage to these distant shores, but alas, a succession of unfortunate events have prevented the accomplishment of his anxious desires, and he therefore feels himself under the necessity of praying that your Lordship will be pleased with your accustomed goodness to lay his distressing case at the foot of His Majesty's throne.

That your Lordship's Memorialist has an affectionate wife and four children now residing at Mr. Wood's 146 High Street, Portsmouth, and from whom he must remain separated by an Ocean of more than seven thousand miles, from events which no human sagacity could have foreseen, nor human power prevented, unless your Lordship is pleased to interfere for him, as it is not in his power to pay the expence of their passage hither and therefore humbly prays that your Lordship will intercede for him with his beloved and gracious Sovereign in order that his wife and children may be sent out to this Colony at the expence of His Majesty's Government.

That your Lordship's Memorialist relying on the well known clemency of his gracious Sovereign through your Lordship's noble and generous interference towards his unfortunate wife and children, looks forward with no small degree of complacency to the realization of his earnest desires, and therefore begs leave with all humility to pray that your Lordship will be pleased to allow her to sail from Portsmouth instead of London as she would not be able to meet the expences which that journey would occasion, and your Memorialist will ever feel himself in duty bound to pray for your Lordship and your Illustrious family.

GRAHAM'S TOWN, *August 26th 1822.*

[Copy.]

*Extract from a Letter from the REVEREND J. BROWNLEE to the
COLONIAL SECRETARY.*

CHUMIE, *26th August 1822.*

Hinza is the principal hereditary chief of all the Caffers, and as such is acknowledged by all the other Chiefs although his Authority extends only to the People of his own Territory ; he

is more respected by his Subjects than Gaika, and if I may judge from the extent of Territory and the population of that part through which we passed, he is much more powerful: He is allied to the principal chief of the Tambookie's nation.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 29th August 1822.

SIR,—I have had the honor of submitting to His Excellency the Governor your Letter of the 12th Inst. suggesting the expediency of enrolling, with the view of subsequently arming a proportion of Settlers in your District to enable them to assist in their defence against Caffre incursions, and I am to signify to you His Excellency's entire approval of the measure, which he will be ready to give effect to as soon as you shall have furnished him with the details of your plan. It may be useful to you to know, that by the Law of the Colony as it stands, all Inhabitants of this Government are bound to report themselves to the Landdrost of the District within six weeks after their arrival therein if above the age of sixteen years with a view of their being enrolled in the class of those able to bear arms; and such persons are bound to appear armed whenever called upon to assist in the defence of the Country. His Excellency is of opinion that the greatest advantage will be derivable from the mounted Yeomanry and that therefore this Class should be made as numerous and as effective as possible.

I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., to LORD CHARLES SOMERSET.

COLONIAL OFFICE, 31st August 1822.

MY LORD,—I am directed by Earl Bathurst to transmit to your Lordship the accompanying letter from Mr. Alexander Brand

relative to circumstances which have occurred in a transaction between Mr. E. A. Parker of Liverpool and an Agent of the name of Leigh who appears to have been employed in managing the concerns connected with the ship *Southworth* which was chartered about two months ago to convey Convicts to New South Wales.

As Lord Bathurst could not interfere in a matter which is likely to involve the Parties in judicial Proceedings, a verbal communication to this effect has been made to Mr. Brand; but his Lordship has directed me to acquaint you that he has been assured of the respectability of those whose interests are represented as in danger from the Proceedings apprehended on the part of the Agent Leigh.

I have &c.

(Signed) R. WILMOT.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 6th September 1822.

MY LORD,—I was honored with your Lordship's Dispatch dated 20th of May last, on the 2nd instant, proposing alterations in the organization of the Court of Justice here; from which your Lordship has expressed your opinion that much advantage may be expected to arise, but stating that you are unwilling to give directions for their introduction until you shall have received such observations as I may be prepared to offer upon the subject.

I have to express my thanks to your Lordship for this mark of your confidence which I can perhaps best acknowledge by fully and unreservedly stating to your Lordship the difficulties and objections which present themselves to my view in carrying the arrangement into effect.

I must first observe to your Lordship that I must have very imperfectly explained myself if you have imbibed the idea that under the present system of Jurisprudence I had been an advocate for a reduction in the number of Members of the Court of Justice,

as I have ever entertained opposite sentiments. With regard to the measure proposed, the first subject for consideration is the practicability of two persons performing the duties that will fall upon them in reducing the Court to a Chief Justice and two Puisne Judges. These duties are so various that I have thought it better to draw them out on a Separate Sheet for your Lordship's perusal, and enclose them. I have no hesitation in saying that no two men possess sufficient physical strength to perform them with efficiency. It may then be asked what additional assistance must be given them to render them adequate to the duties? I should say not less than one additional Puisne Judge and two Commissioners of the Court selected from the Members of the present Court to perform all the Magisterial Duties and all the Duties except those on the Bench now shared by the Eight.

Supposing then (for the sake of argument) that the future Court should consist of a Chief Justice and three Puisne Judges and that the Magisterial and the other Duties above alluded to should be performed by two Commissioners, I would ask your Lordship if you really consider that the addition of legal Talent, which it is expected this alteration will supply, will ensure adequate protection to the subject and whether it will compensate for the Hazard of entrusting to the power of one man (uncontrolled by a Jury or even a Grand Jury or any Substitute for it to find a Bill as is our own happy Form of Trial) the fate of all the numerous Criminals which accumulate in the Country Districts in twelve months?

The absence of a Jury is now greatly compensated by its being known that the present Court must consist of five Members and a Chief Justice in order to form a Court and that it always does consist of Eight Members and a Chief Justice unless distant duty or positive inability from sickness necessitates absence.

I have no hesitation in saying that the present state of the Community here, except in Cape Town and its Vicinity, is not such as to furnish competent Juries, but I feel and those over whom I preside I am sure feel also) great consolation and Security in the number of the Judges. I respect professional Talent as much as any man; but man is frail and the power proposed to be given to the Judge who goes the Circuit is such as I should lament to see delegated to any man.

In addition to the above observations I would submit to your

Lordship if the period fixed by your Lordship's Dispatch of the 23rd of February last for carrying on all judicial proceedings in the English language (January 1827) would not be the more eligible one for making an alteration in the formation of the Court of Justice and whether there is not a probability that the state of Society here at that time, particularly at the larger Towns, Cape Town, Stellenbosch, Graaff Reinet, and Graham's Town, may not render it more easy as well as more expedient to assimilate the Judicial Forms to those in use in England than at the present moment and to grant to the Colony at that period a Charter of Justice somewhat similar to that of Ceylon.

With regard to the Expense, I fear your Lordship has been misled. In the Enclosure No. 2, your Lordship will find the calculations I have made upon that subject, and the excess of expenditure that will be caused by adopting the measure in agitation.

I have put the Salary of the Chief Justice at £2,000 per annum and that of each of the Puisne Judges at £1500 per annum, as from the enormous encrease of the expense of living here since my arrival, 1814, no man in a Situation of any respectability can exist here on a Smaller Annual Stipend than £1500. It may be observed that the Salaries of the Officers of this Government are not in proportion, but your Lordship will, I am sure, have it in your recollection that I have very frequently lamented the great inadequacy of the Salaries of the public officers of this Government.

The only other subject I have to detain your Lordship upon is the incompetency of the provision upon which it is proposed that the Members of the present Court shall retire, amounting barely to £109 per annum. Is it just, is it even decorous that men should be so dismissed who have served the public for a long period of years, have been selected for their present Situations for their probity and Experience and have lived in the expectation of passing the evening of their Lives in an honourable situation although with slender pecuniary Emolument?

In justice to the members of the present Court (a list of whom and of their Services I have the honour to enclose) I must observe that I have had every reason to be satisfied with their Decrees; the better proof however is, the few that have been reversed in appeal and that in the several cases which have been from time to time referred for the opinion of the Attorney and Solicitor General,

the opinions of those officers have invariably coincided with the Decrees of this Court. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1.]

Details of Extra Judicial Duties performed by the Members of the Court of Justice at the Cape of Good Hope.

Commissioners from the Court of Justice independent of their judicial Functions have many interesting and ministerial duties to perform, by taking judicial informations and executing Commissions to reconcile parties before the commencement of litigation.

Commissioners from the Court of Justice execute the duties of Coroners in Cape Town and District, and the Residency of Simon's Town.

Commissioners from the Court of Justice hold a Weekly Court at the Colonial Secretary's Office for the purpose of passing and registering all transfers of landed property, registering Mortgages and other Deeds of Security, by which they ascertain the competency of the parties to the acts and see that the Deeds are legally prepared; great importance attaches to this Branch of Duty which will be better appreciated by the statement of the fact that the registered Debts in the Colonial Secretary's Registers amount to near Sixty Millions of Dollars.

Two Commissioners from the Court of Justice go the Circuit annually, which takes near 4 months to complete, over a distance of 1800 miles as per enclosed detail.

The Signature of one Member of the Court of Justice is requisite to the issue of the Paper Currency; this of itself is a tedious duty. Two Members are always required to be present at the burning of Defaced Currency, two also attend to the stamping the Currency, the dies whereof are kept under the joint Seals of the Court and the Governor. One Member of the Court attends the fabrication of Stamps for the Stamp Duties and his Certificate of issue is the check upon the Collector of Stamp dues. The dies for the Stamp Duties are also kept under the joint Seals of the Court and the Governor. Commissioners of the Court of Justice have the unpleasant duty of attending all executions.

The Commissioners of Circuit proceed annually to

1. Clanwilliam	Hours 60
2. Tulbagh	" 40
3. Worcester	" 14
4. Beaufort	" 86
5. Graaff Reinet	" 40
6. Cradock	" 35
7. Graham's Town	" 45
8. Uitenhage	" 28
9. George Town	" 80
10. Swellendam	" 56
11. Caledon	" 24
12. Cape Town	" 28

 Total Hours 536

holding Sessions at the above Stations. The Journey takes near 4 months to effect out and home, being nearly 1800 miles, and is increased in distance within these few years since the Circuit has been extended to Clan William, Beaufort and Cradock.

[Enclosure No. 2.]

At 160 per cent or 13 Rixdollars to the £ Sterling.

Present Establishment:

Chief Justice	Rds. 9,000	per annum
8 Members at 4250 each	34,000	"
Judge of the Vice Admiralty Court at 13 Rds. to the £ Sterling	7,800	"
	<hr/> Rixdollars 50,800	

Proposed Establishment:

Chief Justice	Rds. 26,000	per annum
2 Judges 19,500 Rds. each or £1,500 Sterling.	39,000	"
8 Members, retired pay of	11,333 1/3	"
	<hr/> 76,333 1/3	
Deduct Salary of Judge of Vice Admiralty Court	7,800	
	<hr/> 68,533 1/3	
Expenditure of proposed Establishment	68,533 1/3	
Expenditure of present Establishment	50,800	
	<hr/> 17,733 1/3	
Excess of Expenditure of the proposed Establishment	17,733 1/3	
or about £1,364 Sterling.		

Proposed Establishment if rendered adequate to the duties :

	Rds.	per annum
Chief Justice	26,000	
3 Puisne Judges	58,500	"
2 Commissioners	8,500	"
6 retired Members	8,500	"
	<hr/>	
	Rixdollars 101,500	
Judge of Vice Admiralty Court	7,800	
	<hr/>	
	Rixdollars 93,700	

93,700—50,800=42,900 Rds. or £3,300 Sterling encrease.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 3.]

List of the Members of the Court of Justice at the Cape of Good Hope with their respective Services and Qualifications :—

Sir J. Truter, LL.D., Chief Justice, Service	33 years
Mr. Hiddingh, LL.D.	" 19 "
Mr. Neethling, LL.D.,	" 30 "
Mr. Berrange, LL.D., the Secretary	" 19 "

(By whom also the records and proceedings are prepared.) The above are all regularly bred Lawyers, having taken out the LL.D. degree at Leyden.

Mr. Matthiessen has been 40 years in the public service, 30 of which at least on the Bench.

Mr. Fleck had his education in the office of the Court of Justice here and is 18 years in the service.

Mr. Bresler was many years Landdrost or presiding Magistrate of a District, in which capacity he filled a judicial Situation ; is 27 years in the service.

Mr. Buissinne was bred to the Law here, practised some time in Court, was then Deputy Fiscal, and subsequently Landdrost of the Swellendam District for nine years, having been in all 26 years in the public service.

Mr. Bentinck and Mr. Truter have had University Educations ; the latter having taken a degree ; their periods of service are, of the former 14 years, and of the latter 19 years.

[Attached to the above.]

(The following papers were drawn up by Mr. Henry Ellis, and express that gentleman's views.)

The Court of Justice at the Cape consists of nine Members. The Chief Justice, born in the Colony, passed a few years in Holland for the purpose of legal education, he may there have taken the regular degrees, but he never practised as a Lawyer; his practical knowledge is therefore derived from the Colonial Court. He is however a man of good judgment, and is comparatively to the other Members most highly gifted. The next Member has received no legal education, has never practised as a Lawyer, and has no judicial qualifications whatever; these deficiencies he has in common with his brothers on the Bench, who all, with the exception of Mr. Bentinck, are imperfectly acquainted with the English language; the only motive with the local Government for the selection of these individuals has been, that they are more independent in fortune than most of the Colonists, and therefore they were thought less liable to the imputation of corrupt motives for any alleged errors in their decisions. That a Court so composed must be quite incompetent to try cases requiring a knowledge of English Law, and indeed of English language, must be at least highly probable, and without meaning to reflect upon the Members individually, the probability is unfortunately borne out by the fact, and is frequently matter of complaint; the following measure is suggested as remedial, and is recommended as not involving any change in the laws of the Colony, or increase of expense.

It is proposed that of the present Court only the Chief Justice should remain, to be assisted by two Puisne Judges, and that the Jurisdiction of the present Vice Admiralty Court should be vested in the Colonial Court, by this means the collisions between the two Courts, both having now a concurrent jurisdiction, will be avoided in future.

The present Judge of the Vice Admiralty Court has been several years in the Colony, is well acquainted with Colonial laws and usages, and would therefore combine the superiority of an English Lawyer with all the local knowledge necessary to the due administration of Justice. He is therefore well fitted to be the First

Puisne Judge; should it be thought expedient at first to place another Colonist on the Bench, the present Secretary to the Court of Justice, unquestionably the best Dutch Lawyer belonging to the Court, would be the fittest person. The superior emoluments of the Office of Fiscal render it highly improbable that the present holder would accept a seat on the Bench.

It is further proposed that the removed Members should receive one third of their Salaries as a retirement. The Chief Clerk might succeed to the Office of Secretary with a small addition to his Salary.

Present Court of Justice :

	Rds.
Chief Justice, Sir J. A. Truter, LL.D.	9,000
1st Member, C. Matthiessen, Esqre.. . . .	4,250
2nd, W. Hiddingh, Esqre., LL.D.	4,250
3rd, W. Bentinck, Esqre., LL.D.	4,250
4th, J. H. Neethling, Esqre., LL.D.	4,250
5th, F. R. Bresler, Esqre.	4,250
6th, J. C. Fleck, Esqre.	4,250
7th, P. S. Buissinne, Esqre.	4,250
8th, P. J. Truter, Esqre.	4,250
Secretary, D. F. Berrange, Esqre., LL.D.	6,000
	<hr/>
	49,000
Judge of the Vice Admiralty Court £600 * or	6,000
	<hr/>
	55,000
	<hr/>

New Court :

	Rds.
Chief Justice	16,000
1st Puisne Judge	12,000
2nd do.	12,000
Increase to Chief Clerk	2,000
Retirements to removed Members	11,400
	<hr/>
	53,400

This plan while it leaves the Colonial administration of Law untouched, by placing an English Lawyer on the Bench gives immediately that capacity for understanding and deciding all cases involving English Acts of Parliament extending to Colonies, now so wanted by the Court, and prepares the way for a further

* This is a higher value of the Rixdollar than the present exchange.

amelioration of the Colonial Jurisprudence, which may reasonably be looked forward to, as a consequence of the final annexation of the Cape to the British Empire.

It would be invidious to enumerate instances of absolute incompetence exhibited by the present Court, and it is sufficient to observe, that the incapacity of the Members is so notorious as to excite in trifling cases public ridicule, and in those respecting important interests, resentment.

Memorandum attached to the above.

1. In any contemplated improvement of the existing Colonial Code, the taking judicial informations antecedent to trial in full Court will necessarily be much simplified, and this part of the Puisne Judges' duty will be proportionately diminished. The reconciliation of parties before litigation is a pleasing duty that it seldom falls to the lot of the sitting Commissioners to achieve. Two Commissioners (or Puisne Judges) of the present Court sit as a Court of first instance, and those who maintain the legal competency of the present Court may be asked whether in a case that involved a knowledge of Law, either Dutch or English beyond the simplest enactments of the penal code, any two of those members, unaided by the Chief Justice, are equal to the duty assigned to them. Many particular instances might be cited, but the case of the Comptroller of Customs against the Master of the *Lady Flora* for an illegal importation, tried before Messrs. Matthiessen and Bresler, may be fairly taken as one where the necessity of legal knowledge was indispensable to the satisfactory administration of Justice, and where the want of such knowledge excited public ridicule and contempt.

2. The Landdrost or the Resident at Simon's Town might execute the duties of Coroner, which do not seem naturally to fall within the functions of the Puisne Judges.

3. The presence of a Puisne Judge assisted by his clerk to read the enactments would fully discharge this duty, without interfering in point of time with his attendance in Court.

4. The Circuit duty would still be performed, but a division of the business into the Home and Eastern might be adopted with advantage as a relief to the Circuit Judge both in distance

and duty. The division of business and the designation of the Circuits are of course arbitrary, and should be left to the determination of the Court.

5. The mere presence of the existing Commissioners or of one Puisne Judge hereafter for an hour will fully meet the important duties relating to destruction of defaced paper money, locking up dies, superintending seals &c. If the signature of two Members of the Court be deemed indispensable, the reduction of their number will still leave the object attainable. The unpleasant duty of attending executions cannot upon every principle of decorum be too soon dispensed with. An examination of the paper No. 3 detailing the services and professional attainments of the members of the present court would be invidious, but it is impossible not to observe a singular omission in regard to the Chief Justice, whose comparative competency is so well known and admitted, and whom it was proposed to retain in his present situation.

Mr. Buissinne holds the office of Receiver of Land Revenue, and some time since acted as Translator to Government and Inspector of Lands and Woods, all heavy additions to his duties judicial and extra judicial as a Member of the Court. Mr. Bentinck holds the office of Civil Auditor, one of so much daily and detailed business as to require the appropriation of his whole time.

Mr. Berrange, the Secretary of the present Court, was recommended as a fit person for the situation of Puisne Judge, in the event of two Colonists being placed on the Bench. The best answer to the Enclosure No. 2 is a reference to the Memorandum. The exchange is in that Memorandum calculated at 10 Rixdollars to the pound sterling, in the enclosure the rate is 16. The amount of Salary calculated at the rate of 10 may however be considered as adequate.

In the enclosure No. 2 4000 Rixdollars of the present Salary of the Secretary has not been carried to the credit of the new Court. It may be deemed proper to increase the retired allowance of the Members, which may be apportioned to their length of service in the Court, on any scale sanctioned either by usage at the Cape or elsewhere, but this addition to the charge would certainly not be allowed to weigh against the benefits to be derived from an improved administration of Justice.

The first objection taken to the proposed change in the Court

of Justice at the Cape is the absolute impossibility of the reduced number performing the duties. Those duties are divided into judicial and extra judicial. That increased legal competency would in point of despatch and efficiency fully compensate for reduction of number scarcely allows of dispute, and it may fairly be asserted in regard to the extra judicial duties, that they are of a nature either in reality to occupy but little time, or to admit of being transferred to others without inconvenience.

The present Court is in fact a permanent Jury, and the satisfaction of the public mind with such a constitution can scarcely be anticipated. Where private feelings and prejudices do not operate, the opinion of the Chief Justice commands the assent of his uninformed, and in those cases tractable brethren. The substitution of two competent Puisne Judges must under such circumstances be a manifest advantage.

In criminal trials on circuit, it might be advisable to assist the Judge by two Burghers as assessors, who might be called circuit Heemraden and take the same part as the Mayor or Aldermen who sit in Courts presided by a Recorder. The additional charge would be their personal expenses while in attendance. The division of the Circuit would much increase the dispatch of business, as the Judge in the distant circuit might proceed at once to his destination while his brother judges were engaged on similar duties in other parts of the Colony. The great recommendation of the plan is that from the proposed constitution of the new Court, which retains the present Chief Justice and assists him by the present Judge of the Vice Admiralty Court, who is an English Barrister well acquainted with the Colonial laws and usages, and has for years held the office of criminal assessor to the Government in the Court of Appeal, it affords the best security for the effectual adoption of the English language as proposed in 1827. On the other hand at that period all the objections derived from human frailty or numerical incompetency will exist in undiminished strength, while from the very composition of the present Court, it would be absurd to anticipate any preparation for effecting a measure that must render the unfitness of the Members more notorious and indisputable.

When it is considered that the Salary of the Chief Justice is at present 9,000 Rixdollars, the alleged necessity of giving a

clear £1,500 per annum to the Puisne Judge to enable him to maintain his station, would not seem so inevitable, altho it must be allowed that remuneration to the highest extent consistent with other demands upon the revenue is undoubtedly desirable, a sufficiency of talent will however unquestionably be secured by salaries of £1,600 to the Chief and £1,200 to the Puisne Judges.

The retirement was fixed at one third of the present Salary rather in view to the means of the Colony than to general principles of remuneration for past services. A scale adapted to the period of service in the Court will not much encrease the amount of this charge, the full salary £327 is as a remuneration for judicial duties if properly discharged, paltry, and the proposed third £109 is only proportionately small. The plan for the new Court is opposed to private interests and local prejudices that operate most powerfully with the highest executive authority at the Cape, and will require the absolute command of the Secretary of State to secure its adoption.

[Original.]

Letter from COMMODORE JOSEPH NOURSE *to* JOHN
WILLIAM CROKER, ESQRE.

HIS MAJESTY'S SHIP *Andromache*,
SIMON'S BAY, 7th September 1822.

SIR,—I have to beg you will be pleased to lay before their Lordships the opinion of Mr. Peek, the Foreman of the Shipwrights at this Dock Yard, as to the practicability of building a Vessel, so much required, as is described in his letter, which I herewith enclose.

Independent of the opinion I entertain of Mr. Peek's abilities and judgment in his line, which have been proved in the hauling up on a slip in the yard, which he prepared, and after putting False-keel, gripe, sheathing and coppering the Schooner of 140 tons burthen, tender to the *Leven*, and launching her with perfect ease, we perceive from this experiment that a vessel up to the tonnage mentioned in his letter may, and even in my opinion much larger, be built and launched without difficulty; and seeing how essentially

necessary a vessel of the sailing lighter description is for the service of this place, and the small expense at which she may be built, I cannot refrain from urging their Lordships to give the necessary directions for it to be done, for the following reasons: there is not a vessel of any description that could take an anchor and cables from Simon's Bay to the assistance of ships in distress in False Bay, the small sloop rigged vessel called the *York*, of 25 tons, is the only sailing vessel belonging to the yard, and she was only intended to lay down the Buoy on the Whittle, and even for that purpose she is of little use, as she can make no weather when there is anything like a breeze. Moorings are also laid down, to take up and examine (for) which there is nothing suitable.

A vessel of this description which I propose would also be particularly useful in any required communication with Table Bay, would fetch timber from the Knysna, and could bring flour, if required, for the use of the Naval Establishment at this place from Algoa.

I have also to observe from the appearance of the land about Simon's Bay, ships frequently mistake it, and run past it, particularly if coming in towards the evening, by which they are obliged to anchor in S.E. winds exposed to the Ocean Sea; a circumstance of that kind occurred here recently with a Whaler, who was obliged to anchor in the night, almost in the surf, and had it not been for the prompt assistance afforded her from this ship, she would inevitably have been lost.

Regarding the expense of building the kind of vessel most suitable to answer all the purposes required, it appears there are 1300 trees, say 8 to 900 tons fell'd in the forest at Knysna by the people sent from the yard when the Commissioner was here; there is now timber in the yard abundant for every purpose which is fast going into decay, and which has been put up for sale, but could not find a purchaser. Compass timber is all that is required to be selected from the trees felled, and the only expense would be the conveyance from the Knysna which, with the assistance that could be given from this ship, would soon be made ready for shipping. No artificers would be necessary to hire, as the strength we possess in that respect is perfectly sufficient for all purposes; and if circumstances required their being turned on any other work, they could, when that was accomplished, be again put upon the Vessel proposed to be built.

This would also decide an object of some importance, the use and durability of the wood of the Country, which it was at one time intended to try in the building of a Vessel at the Knysna, most extraordinarily chosen for that purpose; so remote, and consequently removed from all the resources of this yard. I have &c.

(Signed) JOSEPH NOURSE, Commodore.

[Copy.]

Extracts from a Letter from the REVEREND W. R. THOMSON
to the COLONIAL SECRETARY.

CHUMIE, 7th September 1822.

It is with extreme regret that we have learned by a letter from Lt. Col. Scott that two persons have been murdered in the Colony by a party of Caffers. We immediately gave information to Gaika, but up till yesterday no information has been obtained likely to lead to a discovery of the perpetrators. This is the report from Gaika. I am sorry to say that now we scarcely have an opportunity of delivering a message to Gaika personally. Since the late attempt upon his person he has been extremely jealous and vigilant. We have seen him only once during two or three months, and lately he has removed his residence about Eight or Ten miles farther from the Institution in a South East direction in a very secluded situation on the Banks of the Keiskamma. He has also prohibited all intercourse betwixt us and him, except through the medium of a person in our neighbourhood whom he has appointed to carry any message and return his answer. This arrangement is not only very awkward, but also insufficient, as in matters of importance, we cannot impress his mind with them or even trust to the memory of the messenger to deliver the message accurately. This removal will make little change as to our influence over him in the way of Instruction, as it was very seldom we had an opportunity of addressing him, and when we did he used all his art to get off the subject. We have been as unsuccessful in inducing him to send his children to reside here for instruction; he has promised repeatedly to do it at a future period, but as often neglected it. If the offer of clothing and

boarding them according to the European mode were made it might perhaps have some effect in persuading him as well as the other principal Chiefs, and I humbly conceive that such a system might tend very materially to change the habits and disposition of the coming generation, more extensively by training those who are to take the lead in their Societies.

Gaika appears at present to be very much discontented. The Grounds of his complaints are,—that his principal chiefs shew a spirit of insubordination and independence, that they do not co-operate with him in the recovery of stolen Cattle, and even put him at defiance when he has threatened violent measures, that his superiority is disrespected by the Colonial authorities, in sending messages immediately to Botman and Enno, that his people in the Frontier kraals do not give him information of stolen Cattle that are driven past them, and under all these circumstances that it is a great hardship for him to be made responsible for all the faults of his people. But without these complaints it may easily be discovered that he has lost his popularity among his people, which is not at all surprising, when we consider the disposition of the man and the way in which he has governed them. Those who appear attached to him are so, I believe, more from self-interest than any other motive.

[Original.]

Letter from CHARLES D'ESCURY, ESQRE., *to*
ROBERT WILMOT, ESQRE.

CAPE TOWN, 9th September 1822.

SIR,—It is with the greatest reluctance that I take the liberty of trespassing on your time, but I hope to make the necessity of it sufficiently apparent to warrant my doing so, and to secure your interest in the subject I shall beg leave to submit to you; and aware Sir how valuable your time is, I shall endeavour to occupy as little of it as the consideration of the distance admitting of no second explanation will allow. May I then solicit your attention to the annexed papers.

No. 1 is a memorandum I left with His Excellency the

Governor, on the 15th of January last, after having conversed with him on the subject it relates to, on which occasion the following took place.

The grounds I stated for the application I then made, H. E. fully admitted; he was pleased to renew his assurances of favourable disposition to serve me, but H. E. expressed his embarrassment how to give effect to it, from various engagements and the like. I then suggested *a seat in the Court of Justice in case of a vacancy*. H. E. appeared as quite relieved, that suggestion seeming not to interfere with any of the causes of the embarrassment H. E. had before expressed, and he said, "Well, I don't see why you should not have a seat there as well as the Auditor. I shall consider of it." On the following day, having occasion to see H. E. again, he of his own accord broached the subject anew; and told me to have considered it; H. E. repeated what he had said before respecting the Auditor, and added, "Besides, when Mr. Baumgard (my predecessor) was appointed to your office, there was an authority sent out from home to give him also a seat in the Court of Justice, *and that of itself is sufficient ground for me to do the like for you.*" When shortly after I was about to leave the room, and when actually at the door, H. E. raised his voice and said, "*You will let me know, then, as soon as you hear that any of them is likely to go out.*" I bowed and retired, and immediately on returning to the office I went into Col. Bird's room and told him what had passed. I felt strongly impressed with the conviction that H. E. was now willing to confirm his repeated assurances of a desire to serve me, by a promise his other engagements left him free to make. And in this gratifying conviction I became the more confirmed by what took place about three weeks later, when H. E., being desirous to provide for a person he had last brought out with him, did me the honor of calling at my house, and proposed I should take that person into my office, giving for reason that "*as I was to have that additional situation I might want assistance.*" The appointment however did not take place, from H. E.'s perceiving that the person alluded to could in no ways be useful in my office.

Six months elapsed and the anticipated vacancy did not take place, yet the motives that induced my first application had become more and more urgent, and my anxiety had naturally increased in proportion. I resolved therefore on addressing H. E.

a second time, with a view to prevail on him to allow a temporary improvement to my situation, to cease when circumstances should enable H. E. to give effect to his former promise; and in order that H. E. might feel himself justified in doing so, even in the present times, I determined, however painful it must be to my feelings, to make (tho' confidentially) a full disclosure of my circumstances, which I did in a second Memorandum dated 4 July 1822.

May I entreat your attention, Sir, to that Memorandum which will enable you to judge of the effect the reception it met with from H. E. produced on my mind. H. E. immediately on the receipt of it imparted the contents to Col. Bird, *without taking any notice of the subject to myself*, and expressed to Col. Bird that he (H. E.) *did not consider himself justified to afford any improvement to my present situation; at the same time that he felt greatly disturbed that I should have considered him as having made me any promise.* And so much does H. E. seem to feel himself aggrieved by the interpretation I had given to what passed between H. E. and myself, that it has weighed down every other consideration that Memorandum was intended to awaken, and to this moment H. E. has taken no farther notice of its contents. Such marked and repulsive indifference to an appeal made alike to H. Ex.'s justice and feelings, attended by an, as it were, avowed withdrawing of the hope encouraged by H. E., and by myself, the more fondly cherished from its being most essential to my own and my family's welfare, leaves me no room to think otherwise than that neither for the present, nor for the future, I have anything to expect at H. E.'s hands.

Under this impression, Sir, may I solicit your favorable consideration of my case in its several bearings; and that you will have the goodness to lay it before the Right H'ble Lord Bathurst, with such recommendations as on perusal you shall think it to deserve. There can be no doubt that had the Office been appointed to from home at the time, and in the manner, Sir John Cradock recommended it, an adequate provision would *then* also have been directed, and I should hope that *now*, after more *than* 8 years approved services, and that the duties then only contemplated are now also known to be to the full as arduous as they were anticipated in Sir John Cradock's despatch before quoted, His Lordship will see no objection to directing a more appropriate salary to be allowed me, or in such other way to improve my

present situation as His Lordship shall think proper. More than 8 years active and beneficial discharge of ungracious and most unpopular duties, entered upon with, *on authority declared*, very inadequate remuneration; and that remuneration still *proved* also to have become subject to a constantly diminishing value, attended with all the difficulties before explained, is a situation so painful, and certainly so unintended, that with confidence I appeal to the liberal and benevolent consideration of his Lordship, and bow to his decision.

Should, Sir, the above suggestions of an improvement *here* be subject to difficulty, it may possibly still be in His Lordship's recollection the application I have before made to be removed from the Civil Service of this Colony to that of the Isle of France. Mrs. D'Escury's father, Sir Robert Barclay, being there, whose very advanced age would make it particularly desirable for her to be near him, His Lordship I have reason to believe, would have sanctioned any exchange I might have been able to effect, but the small salary attached to my office rendered it impracticable. Should however His Lordship be disposed to take into consideration the period of my service *here*, approved as it has been, and when a vacancy occurs at the Isle of France, be pleased to appoint me to it, the very unpleasant circumstances above detailed would add another and powerful motive for renewing my solicitation on that subject. I have &c.

(Signed) CHS. D'ESCURY.

[Enclosure 1 in the above.]

Memorandum handed over to His Excellency after having conversed with him on the subject to which it relates.

I have now held this office 8 years; the first year when I had Rds. 2000 salary and Rds. 1000 for contingent expences, *I lost by the latter*, and His Excellency therefore ordered the Rds. 1000 to be added to my salary, and that I should charge my bona fide expences in a contingent account.

In September 1816, hard pressed by the increasing dearness of the times, and inadequacy of my salary, I represented the circumstance, and my salary was increased to Rds. 5000. Since (now 5½ years ago) my Salary has remained *nominally* the same, but by

the daily augmenting rate of expenditure, and other public circumstances, the calls upon that salary have *greatly* increased; to a degree indeed that after having from the first banished every idea of mixing in society, next reduced every domestic superfluity, and even comforts, I must now begin to retrench necessities or sink into debt.

My predecessor's salary, though nominally less, was at *that time* more valuable to him than what mine *is now*. He had other advantages besides, which I have not; he held the office moreover as a *by place* only, being at the same time Receiver of Land Revenue, and withal, the situation was then a mere *sinecure*, whereas now it is a very active, laborious, and responsible one, ungracious *from* having constantly to point out the errors of others, and most unpopular as militating against the private interests and views (or interested views) of the far greater number of individuals in the Colony.

In referring to the list of Civil Servants there is hardly one who within these 8 years has not made one or more steps, or has otherwise benefitted by increase of salary or additional situations &c., while I alone as it were have stood still: for the small advance I have had on the urgency of the moment in 1816, the benefit of it was, by counteracting causes, lost almost as soon as obtained.

I do not plead my services, for I am bound to perform the duties my office requires, and I do perform them zealously and cheerfully, but *the nature of those duties* I think entitled to consideration.

When the measure for converting the Land Tenure was submitted to His Majesty's Ministers, this office was recommended to be appointed to from home; the importance of it was explained; the inadequacy of the salary attached to it represented; and a more appropriate and adequate provision recommended to be directed. Upon which then also I had rested better hopes than what have hitherto been realised.

My appointment took place here soon after my arrival, but with hardly any addition to the salary the progress of which I have above traced. But then also the duties of the office were not determined, they were to grow, as it were, out of the progressive development of the measure, in so much that to this moment no instructions have ever been given, I have worked my way as circumstances occurred. The many flattering Testimonials of H. E.'s

approbation I have from time to time received, justify my inferring that I have performed *my part*, of what in the Dispatch and correspondence above alluded to was contemplated, and have *performed it well*; from which then also it seems reasonable to conclude that I am justified in hoping that something may *now* be done for me. Which hope I feel encouraged to cherish from the assurance H. E. has at different times given me of his good will and disposition to serve me.

Far be it from me however to point out any particular mode, or to speak *exclusively of salary*, I feel the difficulty attending it; but no labour however arduous any additional situation could impose on me, I would shrink from so the object of improving my present condition, and of opening some prospect less gloomy than the one now before me, be attained.

(Signed) CHS. D'ESCURY.

CAPE TOWN, 14th January 1822.

[Enclosure 2 in the above.]

The annexed progressive state of the Markets affords an ample proof of the fallaciousness of the idea that the practical value of the currency is not diminished, or in other words that it will still procure in the Colony what it did. It cannot be necessary to enter into the details of a housekeeper's account to be convinced that if a man be obliged successively to reduce the scale of his expenditure, that he has retrenched gradually everything not *absolutely essential*, till at last he can no longer defray the expences of the *very necessities* without the risk of involving himself in debt, while his income has *nominally* not diminished, this could not be, without some cause, not under his control, operating upon the relative value of his income. This operating cause affects me twofold,—first as has already been shown what premium articles imported bear, from the immediate effects of the Exchange, and it is clear that if the many indispensable articles of that kind a family constantly requires, that so much *more* from a fixed income, such as my salary is, so much less of that fixed income remains for the other equally necessary expenditures. Next the several articles of daily necessity have, as this table shews, also increased in price *not exactly in the same ratio as articles imported, but still very considerably*; and thence the diminished means by the effects

of the first cause, and the increasing demands by the second, combine to distress the consumer who has only a fixed currency income to depend upon without any counteracting resources to relieve the pressure. It is evident therefore that to me the Rds. 5000 of 1816 are not Rds. 5000 still, independant of their relative value to pounds sterling; because *they will not now procure, by a very considerable deal, what they did then.*

This brings me to shew the difference between my situation and that of the other currency paid Civil Servants, and the advantage they have over me with respect to the markets, and the application of the salary.

Those who are natives of the Colony or have long resided here, have their property and connections here also. *Their all is here.* They do not either for themselves or for their families look beyond it. Their salaries whatever these are furnish them with an *addition* to that property. They have besides many resources and advantages a stranger has not, and know how to convert them into ways and means he has no conception of. The whole Colony being a tissue of relationship, they manage better and, assisting one another, know how, when, and where to procure whatsoever they want at a difference of more than 50 per Cent upon their housekeeping. They have their establishment of Slaves, whom I must hire at the average rate of Rds. 20 per month each besides their maintenance. My means therefore stand in no comparison with theirs. Many of them, moreover, have considerable gardens and grounds near the Town, from which after supplying their own families at little expense, they dispose of a very large Surplus in the Market and thus *benefit* by those very advanced prices that inconvenience me.

(Signed) CH. D'ESCURY.

[Enclosure 3 in the above.]

This Memorandum was transmitted to His Excellency on the 5th of July 1822.

On the 14th of January last I addressed His Excellency on the subject of my situation in the Public Service of this Colony and the inadequacy of the Salary attached to it. And on the grounds thus stated, which in a written Memorandum I presented to H. E.,

I solicited his favourable consideration of the same, and that he might be pleased to mark it by some suitable improvement in my condition, in whatsoever manner he might think proper.

H. E. was pleased to admit these grounds, to renew the assurances of his favourable disposition to serve me, stating however his embarrassment how to give effect to it. I took therefore the liberty of suggesting *a Seat in the Court of Justice*, as having then understood the probability of one of the members retiring. H. E. approved this suggestion, promised me to succeed to the first vacancy, and gave me leave for that purpose to apprise him of the earliest intimation I should obtain of such an event.

The circumstance I then anticipated as at hand, though now six months ago has not yet taken place; the motive however for my application at that time has much increased, and the urgency I then stated is become daily more pressing, as the following facts but too clearly prove.

For the last year and half I have been under the unpleasant necessity of, from time to time, in the course of each quarter to anticipate my salary by an I O U to a friend who is kind enough to assist me with such occasional advances. The natural consequence of which is, that in each quarter I am obliged to dip deeper, till in progress of time the whole salary must become absorbed by anticipation. I have now very nearly reached that extreme: the last quarter I have been forced to anticipate Rds. 1000. I had to receive Rds. 1600 (including my Salary of Translator to Government of Rds. 350 per quarter), and I owed besides the anticipated sum Rds. 1003, so that I am at this period, for the first time in my life, in debt Rds. 403 by having exceeded my means, yet not all the economy I have studied and applied has been able to avert it.

Having thus frankly stated how I stand as to my Salary, I shall now, with as little reserve, state how I am situated as to my property.

I have a House which I bought, according to its real substantial quality, remarkably cheap, and I bought it with the additional advantage that the whole purchase money remained on mortgage; but for which, according to the custom of the Colony, I have had to produce two Collateral Sureties. From the general pecuniary embarrassment of the Colony, all property has wofully diminished in value, and though my house retains its intrinsic merits, it

would not *now* produce what it cost me, cheap as it was purchased. It behoved me therefore to secure my Sureties against loss, and having disposed of an article of value, to the amount of Rds. 1500, I have laid out that sum in some substantial improvement of the premises.

My furniture and plate has cost upwards of Rds. 10,000, on that I owe Rds. 5,000, but such is the general want of money that I question whether, although the deterioration by use, living quietly as we are forced to do, cannot be great, still I question whether were it at this moment put up for sale, it would bring more than 6 or 7,000 Rds.

Should therefore the harsh and painful expedient suggest itself, of my taking a smaller house, and to do with less furniture, mortifying as this retrograde would be after such a period of service, and while *all* about me are getting forward, I would not hesitate upon it, but subdue my feelings and make the sacrifice; but it would bring no remedy, for a comparative hovel, whosoever has such to dispose of, is forced up to a rent quite equal to the Interest of my house; and then after selling my furniture and paying off what I owe upon it, would scarce leave me sufficient even for such a more humble abode.

What then is at this moment my situation after more than 8 years laborious, zealous, and constantly approved services?

The value of my Salary has uninterruptedly diminished from the very first beginning by the progressive and unceasing depreciation of the Currency. And now it is thus reduced that, after successive diminutions in my expenditure, the strictest economy, and even privations, no longer suffice to make it equal to cover my moderate expenditure but involves me in debt.

My property moveable and immoveable is, from the same causes, thus deteriorated that I must prop it by the sacrifice of what means I may otherwise possess, to secure those friends who are under engagement on my behalf.

And finally, should it please Providence at this period to call me hence, I must feel the painful certainty of having thus long laboured in vain to benefit my family and leave them embarrassed.

This is the undisguised, as it is the unexaggerated state of my present situation; the hardship of it can I believe require no further explanation; that it is mortifying also to be under the necessity thus to lay open my circumstances no one possessed

of any feeling can doubt; that thence nothing but the strongest, the most pressing sense of duty to my family could have induced me to do it, will easily be believed. Then what I hope from it is, that H. E., when on the one hand he shall be pleased to consider these hardships and difficulties of my situation, and on the other to recollect the many testimonials of his approbation which I have during a series of years unremittingly endeavoured to deserve, and obtained, He would feel himself justified, as from his repeated kind assurances I cannot doubt he would feel disposed, to direct such *temporary* provision, in whatever manner best practicable, and only until a vacancy in the Court of Justice will enable him to give effect to his previous gratifying promise, as He shall see the nature of my case to deserve.

If I could conceive any indiscretion to attach to this application, or that any precedent could be taken from it, such is at all times my unwillingness to cause any inconvenience to the Government, that, trying as my situation is, since my every feeling is harrowed by it, I would not press the subject. But I consider my office to stand in that respect in a very different light from any other. When it was first formed, or rather reformed, it was recommended to be appointed to from home; the inadequacy of the Salary was in the same despatch strongly stated, and a more appropriate provision was recommended to be directed. When therefore my appointment took place here every prospect of improvement appeared open, and as certain before me. But instead of which I am at present, after more than 8 years of tried and approved services, *worse off than my predecessor* when the office was a complete sinecure, and that he held it as mere by place to another. An exception in favour of such a case can create no just ground for jealousy, and no precedent can be pleaded where no comparison can be established.

(Signed) CHS. D'ESCURY.

CAPE TOWN, 4 July 1822.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been represented to me, that the Regulations prohibiting traffic and intercourse with the Caffre People, are neither properly attended to, or sufficiently public, and that in consequence the necessary restrictions on this head have been latterly contravened, so as greatly to endanger the security of Individuals settled on the Border: and whereas the recent Murders which have been committed in the Albany District, by straggling Parties of Caffres, may be considered as caused by the temptations held out to the Caffres to enter the Colonial Territory, for the purpose of illegal Barter; and it is become more and more apparent, that the state of the Caffre Hordes is not yet such as to make it safe to deal with them, except through such channels, and at such periods as the Colonial Government shall from time to time point out; I do, therefore, hereby order and direct every Inhabitant of this Colony, Civil or Military, to abstain from every description of intercourse with any of the Caffre People, unless under the Authority of the local Magistrate, or to traffic with them, or with the Ghonaqua Hottentots, of Congo's Kraal, for any Articles whatever, excepting at such Fairs or Meetings for Barter, as shall be publicly appointed with my sanction by the local Magistracy of the Frontier Districts. And in order to enforce a compliance with this Regulation, which is essential for the security of the Inhabitants of the Borders, I do hereby give Notice, that if any Person shall be convicted of trafficking or holding unauthorised intercourse with the Caffres, or the Ghonaquas inhabiting the Caffre Country, (except as before excepted,) he shall be liable to a Penalty of 500 Rix-dollars for the first Offence, and to a like Penalty for the second Offence, together with the further Punishment of Banishment from the Frontier Districts of Albany or Graaff-Reynet, for the space of 5 Years. And I hereby further direct, that the Courts of Landdrost and Heemraden shall take Cognizance of the above-mentioned Offences, and give Judgment therein according to Law.

And whereas it appears to be indispensably necessary, towards enforcing the aforesaid Regulations, that such Persons as possess Caffre Cattle, in the Districts of Albany, Graaff-Reynet, or Uiten-

hage, shall notify the same to the Landdrost of their respective Districts, and acquaint the Magistrate how he or they came into possession thereof: it is, therefore, hereby further directed, that all Persons possessing Caffre Cattle in the afore-mentioned Districts, shall give Notice thereof to the Landdrost of their District, respectively; and shall produce such Cattle, for inspection, when called upon by the Landdrost or Field-Cornet so to do; and the Landdrosts are hereby required to fix in their respective Districts, a period for marking with a distinct and clear District Mark, every Head of Caffre Cattle,—after which period, any such Caffre Cattle, as shall be found in possession of any Individual, without having the District Mark, shall be seized, and the case be brought before the Court of Landdrost and Heemraden; when, if the Party fail in the proof of his having obtained the same in a legal and authorised manner, the same shall be confiscated, and returned to the Caffre Country, without any delay.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 13th Day of September 1822.

(Signed) C. H. SOMERSET.

[Original.]

Letter from the REVEREND MR. GEARY *to* ROBERT WILMOT, ESQRE.

SPIITALFIELDS, 18 PATERNOSTER ROW, *September 14th 1822.*

Mr. Geary presents his compliments to Mr. Wilmot, and agreeably to the instructions contained in his former letter, he takes the earliest opportunity of reporting himself ready to embark for the Cape of Good Hope; having engaged a passage for himself and family on board the *Cornwallis*, Trader, Wm. Henderson Commander, now lying in the London Dock, and which will sail from Gravesend on the 25th Instant. Mr. G. would therefore feel obliged to Mr. Wilmot if he would issue an

Order for the promised Gratuity of £50 to enable him to defray in part the very heavy expences he has incurred for his equipment and voyage.

[Copy.]

Letter from the Landdrost of Albany to MR. J. T. ERITH.

GRAHAM'S TOWN, 16th September 1822.

His Excellency the Governor has directed you to be informed in reply to your Memorial praying for the reasons therein assigned by you to be granted a pass to return to England that your request cannot be complied with.

(Signed) HARRY RIVERS, Landdrost.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 16 September 1822.

SIR,—I have the honor to acknowledge the receipt of your letter of the 29th ultimo signifying His Excellency's the Governor's approval of the measure of enrolling and arming a proportion of the British Settlers to enable them to assist in their defence against Caffre incursions, and His Excellency's opinion that the greatest advantage will be derivable from the Mounted Yeomanry.

I have therefore great pleasure in stating for the information of His Excellency that a number (Fifty) of respectable Individuals located in the vicinity of Bathurst, and of the class alluded to in my letter of the 12th Ultimo, sufficient for the formation of One Troop, have expressed a desire and readiness to be employed in that Service, and that there is an equal number of the same description of Persons residing in and near Graham's Town who are willing to form themselves into a second Troop. I am consequently only awaiting His Excellency's authority and further Instructions to carry that part of the measure into immediate effect, particularly as to the description of arms;—whether a

Carbine, with a light sword or Cutlass;—and with respect to the details of the plan required by His Excellency, I have the honor to state in reference and addition to my letter of the 12th ultimo, that exclusive of the mounted Yeomen, a Body of Five hundred Infantry, composed of Individuals who are desirous of the measure can be raised, which I recommend should be formed into five Divisions, and that each Division should be placed under the control and command of a competent and proper person to direct it, who in order to prevent a confusion of Terms with the Field Cornets of the District, I propose should be denominated a Lieutenant of Division, and who should attend every Muster, calling over the names from his Roll in order to ascertain the exact strength of the Division, and should examine the arms and ammunition, as well as assist in such training as may be directed. The training may be effected by the employment of the pensioned Sergeants among the Settlers, one or more of whom may be attached to every Division. The training and drilling, as every Individual understands and is accustomed to the use of Fire Arms, need not exceed a precautionary arrangement for acting and moving together and by Command, so as to prevent the dangerous consequences of irregularity and confusion. These Musters of Divisions on their respective Locations may be at first weekly, and afterwards as circumstances may require, and a general Muster should be held Monthly at a central Situation, for which the plain between Caffre drift Post and the old Post at Waayplaats (near Scanlen's party) is the best adapted.

Each Lieutenant of Division should be instructed to establish an intercourse or means of communication with the nearest Signal or Alarm Post, and on the receipt of any information of incursion or Robbery to forward the same to the Lieutenant of the next adjoining division by the means of one of the mounted Yeomen on whom it should be incumbent to obey the orders of the Lieutenant of Division in this Respect. In cases of alarm, the Lieutenant of Division should muster the whole or as many as may be necessary of his Division and proceed in pursuit of the Depredators, and should a larger force be required than his own division he should inform the Lieutenant of the next Division what assistance he may require, and forward his report to the Landdrost, from whom the Orders for a general Muster, if necessary will issue.

Signal or Alarm Posts should be established on conspicuous and convenient places, and I recommend them to be fixed on the Waayplaats Hill, and the Hartebeest Hill, (being equidistant from Waayplaats and the mouth of the Kowie) as the best line of communication to the Right Division and on the Doornkop Hill near Bathurst and at Lombard's, by which a complete chain of communication would be formed. This detail could be easily arranged by the Superintendent of Signal Posts on the Frontier.

Each Individual should be provided with a stand of arms, and a certain number of Rounds of Ammunition, and the Lieutenant of Division should have a further supply of ammunition in his possession to deliver out as required. General Depôts should be established at Graham's Town and Bathurst, from which issues would be made by orders of the Landdrost.

As it is desirable that the Settlers should be taken as little as possible from their homes, the enrolment might be made on their Locations by the Field Cornet Dyason accompanied by a Heemraad who should administer the Oath of Allegiance.

The members of the mounted Yeomanry however should be enrolled by the Landdrost.

It will be also necessary that some active and intelligent person possessing local knowledge should be appointed to act under the Landdrost in issuing and promulgating Orders; visiting and mustering the Divisions, &c., &c., whose duties would be correspondent to those of an Adjutant in the Army and who I consider should be allowed a compensation for those Services, and the attendant expenses such as Horse keep &c. I would also suggest that the Lieutenants of Division should be allowed the same pay or Salary as the present Field Cornets receive; and that the Horse of each Yeoman kept for duty should be exempt from impress for Public Service.

I have the honor to submit the following Divisions of the Parties of Settlers, viz. The First or Left Division to comprise, Bayleys (or Cuyler Ville), Scotts, F. Phillips of Spanish Reed Place, Owen's, Mandy's, Rowles', Watson's, Griffith's, Wainwright's, Mouncey's and Hayhurst's Parties.

The Second, or Right Division to comprise Thornhill's, Cock's, G. Smith's, Richardson's, Bowker's, Ford's, Hyman's, James', and Osler's Parties.

The Third or Centre Division to comprise Wilson's, Dyason's,

Holder's, Southey's, Greathead's, Scanlen's, Phillips', Bradshaw's, Dixon's, and the Nottingham Parties with the Inhabitants of Bathurst.

The Fourth, or Blue Krans Division to comprise Pigot's, Dalgairn's, W. Smith's, Morton's, Stanley's, Liversage's, Howard's, Morgan's, Carlisle's, Clark's, and Turvey's Parties, with the Inhabitants of Graham's Town.

The Fifth or Cariega Division to comprise Sephton's, Wait's, Barker's, Biggar's, Butler's, Latham's, Mills', Gardner's, Menzies' and White's Parties.

I am not aware that any further detail is necessary or information to be afforded, until I shall have the honor to receive His Excellency's authority and specific Instructions and Directions for the execution of the Plan. I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 17th September 1822.

MY LORD,—I have the honour to transmit to your Lordship a copy of a letter dated 23rd November 1821, which I have received from Major General Sir Herbert Taylor, relative to the formation of two Independent Companies from the men of the Royal African Corps still on this Station for Service on the West Coast of Africa.

In pursuance of the orders contained therein, I have assembled them at this place in expectation of the Instructions from your Lordship, alluded to in the last Paragraph of Sir Herbert's letter, relative to their conveyance &c. to Sierra Leone.

In the absence of such Instructions I thought it my duty in furtherance of the Service to apply to Commodore Nourse, Commanding H.M.'s Naval Force on this Station, as to the practicability of his affording freight for them, and finding that he had no expectation of having it in his power to furnish the means required, I advertized for tenders for the freight, but the offers

made are so exorbitant that I have deemed it expedient to request your Lordship's commands. In the meantime should I receive Instructions from your Lordship on this head they shall be immediately carried into execution.

As it is not the intention to disband these men, their detention here, until I shall have the honour of receiving your Lordship's Instruction respecting their conveyance, will not add to the public expenditure. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LORD CHARLES SOMERSET to MR. WILLIAM PARKER.

NEWLANDS, September 20th 1822.

SIR,—I have received your letter of this day, and in reply have to say that I will certainly give every consideration to any memorial you may wish officially to present, and if it is on the subject of rations, will ascertain the grounds upon which the acting Governor directed them to be withheld; but I must add that I cannot receive any official document unless it be bereft of those expressions of personal resentment against a civil servant of this government, whose religious principles, whatever they may be, can have no reference to the subject. I have &c.

(Signed) C. H. SOMERSET.

[Copy.]

Memorial of MR. WILLIAM PARKER.

To His Excellency the Right Honourable General Lord Charles Henry Somerset, Governor of the Cape of Good Hope, &c., &c., &c.

The Memorial of William Parker, one of the Heads of parties of Settlers under Parliamentary Grant of 1819,
Most respectfully sheweth,

That your Memorialist landed in this colony from the ship *East Indian* with a party of seventy-six able-bodied men and their families, amounting in all to two hundred and twenty-two individuals, and part of these, thirty-two able-bodied men, and fifty-four other persons, were dependent upon your Memorialist for support.

That your Memorialist's party was ordered by the late acting Governor to be located in the district of Clan William, on lands *ab initio* totally incompetent for their maintenance, as facts have fully proved, and which your Memorialist understands, that persons ordered by Sir Rufane Donkin to report on the same, after the settlers were fixed there, officially stated was the case.

That your Memorialist, notwithstanding the appalling difficulties under which he was placed, commenced cultivating the lands assigned to him, on which he also built the walls of a large dwelling-house, which fully demonstrate your Memorialist's industry and application.

That during his absence with his family at Saldanha Bay, one of the settlers attached to your Memorialist's party, availing himself of the error of the land-surveyor, Mr. Tulleken made in sharing the bounds of the land, prevailed on the deputy landdrost Mr. Berg to order the said land-surveyor to measure one thousand acres of land on the northern bounds, which land, during your Memorialist's absence, the deputy landdrost sanctioned the said settler, Mr. Robert Woodcock, to take possession of, which he did by force, assaulting your Memorialist's steward, Mr. James Murray.

That your Memorialist's nephew, Mr. W. S. Parker, who acted for Memorialist, came to Saldanha Bay with an account of the said outrageous proceedings, when your Memorialist sent him to Cape Town on the 5th of August 1820 with an official letter to Mr. Ellis, the deputy colonial secretary, to which your Excellency is most respectfully referred, and to which an answer was received that the deputy landdrost had been applied to on the subject, but that it subsequently appeared in that way as not to elicit the least satisfaction.

That every memorial and representation of your Memorialist to the local authorities were unavailing during the administration of Sir Rufane Donkin, and that your Memorialist on

the 24th of October 1820 received a letter from the secretary, stating that as he had not proceeded to reside on the location at the Kleine Valley, his Excellency was pleased to deprive him of all the rights of a settler, and all the land as such in the colony.

Your Memorialist most respectfully submits that this most extraordinary act of Sir Rufane Donkin was announced to your Memorialist before the acting governor had come to any decision respecting the land and house, of which, as it fully appears, your Memorialist was deprived, through the error of the land-surveyor and through the actual incompetency and imbecility of the deputy landdrost, whose superannuation from these causes shortly afterwards took place.

Your Memorialist most respectfully submits that there are many strong collateral circumstances of a particular and important nature attached to your Memorialist's situation, which he forbears touching on in this memorial, but which will come in a proper time and place before the British Government.

But your Memorialist having referred your Excellency to very strong facts, supported by official documents, he humbly prays that your Excellency will be pleased to order compensation to be issued to him for the rations which were supplied to the other settlers, and of which your Excellency will see your Memorialist was deprived, as well as of all lands, as one of the adventurers under the Parliamentary Act.

That feeling as your Excellency has acutely done for the general distress of the settlers, your Memorialist need not remind your Lordship of the appalling difficulties he has experienced in supporting so many people, as appears by the accompanying list, during two seasons of unequalled scarcity, during which the land yielded no returns.

Your Memorialist is therefore most anxious to proceed to Europe with his family, particularly as the inutility of persevering in agricultural pursuits in this colony with European labourers has been too fatally proved.

Your Memorialist further begs leave to submit that Sir Rufane Donkin did not deign to reply to his letter of the 25th of October 1820, to which your Excellency is most respectfully referred, as your Memorialist supposes that letter is among the records in the Colonial Office.

He most humbly prays your Excellency's kind and prompt attention to his solicitation.

(Signed) W. PARKER.

CAPE TOWN, *September 21st 1822.*

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *24th September 1822.*

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's Dispatch No. 28, dated 23rd May 1822, referring an application from the President and Chancellor, the Councillors and Assessors of the Regency of the Sovereign Prince Reuss de Greitz, requesting information on certain points, to enable them to decide judicially, the conflicting claims of the Heirs of one Hoefer, who is stated to have died in the year 1806, in this Colony, in the service of the East India Company, and in reply I beg to transmit to your Lordship a copy of a Report from the Orphan Board at this place, containing the information called for.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *24th September 1822.*

MY LORD,—Having upon the receipt of your Lordship's Dispatch No. 27 of the 22nd May 1822, called upon the Orphan Board at this place to make the necessary enquiry relative to the circumstances stated in the note with enclosure from the Wurtemberg Chargé D'Affaires, on the subject of the claim of one de Hügel to

certain funds remaining in the hands of Mr. Van den Bergh, I have now the honour to transmit to your Lordship a copy of the Report made by the Board in this case. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 24th September 1822.

MY LORD,—I have had the honour to receive your Lordship's note dated 8th May 1822, requesting that enquiry may be made relative to George Wood Smith, who is represented to have emigrated from England to this place, and in reply I beg to transmit to your Lordship a copy of a report from the Magistrate of the Albany District, which will put your Lordship in possession of the information required. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure.]

GRAHAM'S TOWN, 3rd September 1822.

SIR,—I have the honour to acknowledge the receipt of your letter of the 17th ulto. transmitting a copy of a note from the Secretary of State requesting information relative to George Wood Smith, and in reply to the representation of his mother I have the honor to inform His Excellency the Governor that George Wood came out as an apprentice to Richard Smith a carpenter of Mr. Sephton's party under articles for seven years. The indentures are dated 5th November 1819, and were formally transferred or assigned on the 8th December 1820 by the mutual consent of the Master and apprentice, and in the presence of a Magistrate, to W. Thackwray a Wheelright and Carpenter residing in Graham's Town, with whom the boy now lives.

I informed the lad that his mother had made enquiries respecting him, and he assured me he would write to her, which he stated he had not done since his arrival in the Colony. He is in good health and learning a trade under a respectable master.

I have &c.

(Signed) HARRY RIVERS.

Lieut.-Col. Bird, Colonial Secretary.

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE, to EARL BATHURST.

ALBANY, 24 September 1822.

MY LORD,—After deliberating with Major Colebrooke upon the Period of our Departure from this Country to the Island of Mauritius in execution of our Commission of Enquiry and after obtaining some Information respecting the means of accomplishing it, in order to meet the views, that your Lordship had expressed, in our preceding the arrival of Sir Lowry Cole in his Government, we have found that very few Merchant Vessels proceed direct from this Country to the Isle of France at any Period of the year, and that none are expected to do so in the course of the present, but we are led to believe that upon a Communication of your Lordship's wishes to the Court of Directors of the East India Company, a Permission would be given by them to one of the Bengal and China Ships that leave this Country in the Winter to touch at the Isle of France on its Passage.

As we have been given to understand that the expence of our Passage from this Country to the First Place of our Destination, and from thence to the other Colonies is to be defrayed by Government, we do not Presume that any objection will arise to the arrangement that I have the honor to Propose, as it appears to be the only one, by which it seems probable that your Lordship's wishes as to the Time of our Departure can now be accomplished without making a greater sacrifice of our Personal accommodation and Comfort than your Lordship would think

necessary, under the Circumstances of our Situation, and without Incurring the additional expence and Delay of a Circuitous Passage by the Cape of Good Hope. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Copy.]

Letter from MR. WILLIAM JONES to the COLONIAL SECRETARY.

CAPE TOWN, 24th September 1822.

SIR,—I beg leave to inform you that in summing up the Contents of the particulars required for the Buildings of the New Drostdy House at Worcester, the whole will amount to the Sum of Sixty Eight Thousand Rix Dollars with the best exertions used thereto. The plan shall be ready in a few days for your further Inspection. I have &c.

(Signed) WM. JONES.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 27th September 1822.

MY LORD,—The great encrease of English Inhabitants in the village of Wynberg and its vicinity, which is the cool retreat of all who can obtain or afford themselves that comfort during the scorching summers of this climate, has made it not only desirable but of importance that a suitable place of worship should be erected for the accommodation of a numerous congregation of the Church of England, and that a permanent chaplain should be appointed to officiate there. I beg therefore to put these circumstances before your Lordship, and as the calls upon this Treasury for the repairs of Government Buildings after the Violent Tempests we have lately experienced (which I have already detailed to your

Lordship) will be very heavy, to solicit your Lordship's good offices with the Church Missionary Society for a similar aid (£500 Sterling) to that afforded by them for the same laudable purpose at Graham's Town: with this assistance added to an expenditure of twenty thousand Rixdollars for which I have also to solicit your Lordship's sanction for this object, a suitable and respectable church may be completed. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost and
Heemraden of the Cape District.*

COLONIAL OFFICE, 27th September 1822.

GENTLEMEN,—Referring to my letter to you of the 8th August last, on the subject of the 30,000 rixdollars placed in your hands for the relief of such individuals of your district as have suffered in their buildings or premises by the late terrific storms, I am directed by his Excellency the Governor to authorize you, with the view to saving both trouble and expense to the parties, to have the bonds to be passed by the individuals relieved executed before your board. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from the COLONIAL SECRETARY to MR. WILLIAM PARKER.

COLONIAL OFFICE, 27th September 1822.

SIR,—I am directed by His Excellency the Governor to inform you in reply to your memorial for a compensation for Rations, which you state not to have been issued for yourself and Party, that upon a most minute investigation of all the circumstances,

it may be thought, that having abandoned your original location you have no positive claim to Rations. But as His Excellency is aware of your Situation here, and of the importance it is to your family that you should remove with them as speedily as possible to Europe, His Excellency is induced (altho' he repeats his opinion that you are without any positive claim) to consider that it might be admissible under the Circumstances of the failure of your undertaking, and of your assertion as to the inadequacy of the location appropriated to you, and the not having received any assistance in the way of Rations, so far to allow a Compensation for them as to forward this main object to your family. He will therefore consent to issue to the Captain of the *Commerce* the amount of your Passage money in furtherance of that object. His Excellency has adopted this mode, to preclude the assistance he thus offered you from forming a precedent, which might prove exceedingly embarrassing to Him.

The aid thus afforded for the Comfort of yourself and family, together with the very great stretch of His Lordship's Authority, in taking back the purchase of the Government Lands at Saldanha Bay on your quitting the Colony, and of authorizing also an advance from the Bank of Rds. 3000 when you shall have sailed, on the Security of Messrs. Brath and J. M. Dun, are advantages and considerations which no one but yourself has received from this Government, and His Excellency trusts that you will appreciate them, and be convinced that as far as His Authority would enable him, and his Duty would allow him, you have received every indulgence which could be afforded under the failure of your original prospects. I have &c.

(Signed) C. BIRD.

[Copy.]

*Extracts from a Letter from the REVEREND W. R. THOMSON
to LIEUTENANT COLONEL SCOTT.*

CHUMIE, 27th September 1822.

Not having been able to see Gaika last week, I have delayed writing until I should be able to report our Conference, being

engaged in some of his own affairs at a distant Kraal, I had little opportunity of talking with him, and could only discuss the Business of the Barter. In this he appears very earnest, and promises to send information to the different Chiefs, that all the people may have an opportunity of attending at the time appointed, the 20th October. A considerable quantity of ivory may therefore be expected on that occasion.

As the people cannot reckon, as we do, to a certain day, it perhaps may be found necessary to continue the bartering during Two or three days. Gaika's demands for presents on that occasion are prodigiously encreased.

To the usual list he now adds a Horse, four English Dogs, Clothes, &c., &c.

But instead of loading him with a number of presents, it might perhaps have a better effect in addition to a *small* present, to give him a per Centage on all the Ivory which may be purchased.

When this business was finished Gaika went off among the people, and though told repeatedly that I had more to communicate, he was too busy to give attention. The Conduct of the Veldt Cornet in the late affair with McKomo's people must be reprobated. If the Farmers are allowed to make up their own Force, on all occasions of a similar nature, it is to be feared, that the practice would be attended with the most dangerous consequences to themselves personally, and to the frontier in general.

But when justice is demanded or enforced in a regular way, this is no more than the Caffres expect, when they can do no better they submit to the necessity without a feeling of resentment or revenge, even against the Agents employed, which by the other mode, must necessarily be expected against the persons of the Boors. I find the Kaffers did actually threaten to pursue the party to their homes, and would burn their Houses, murder their wives and children, &c., and I have not a doubt had the Cattle been kept, that they would have attempted to carry their Threat into execution, so far as they found it practicable. They kept close upon their rear until they reached the Gonap, where the Caffres say, the Boors left the Cattle and stole off during the night. The Caffres I understand acted in this manner, from understanding or supposing that the Boors took the Cattle upon their own Authority. The restoration of the Cattle was in these circumstances a prudent measure on the part of the Boors, but it

is likely to have a bad influence on the mind of the Caffres, as it may induce them perhaps to act in a similar way against the Military, when employed in recovering Cattle.

The duties of a Commanding Officer on the Frontier are of a peculiar nature. In usual circumstances he has only to manœuvre, and fight that he may overcome, but in acting against such a people as this, a close study of human nature and character, as it is found existing in its native state, is necessary that the remedies and preventives may be applied with the greater success, to restrain their lawless habits, not only by physical force but also by gaining upon their heart and understanding. The way to obtain this object, must ever be the subject of opinion, until settled by effects. Different opinions may be entertained and different measures pursued by different people, and it is rather unfortunate I think for the accomplishment of the object, the necessity for frequent changes of Commanding Officers. At their first coming, they cannot be expected to have that knowledge of the people's character, so as to apply their measures with the greatest effect, and by the time this knowledge is acquired, they have not time to carry into practice the system they may found upon it.

[Original.]

Letter from SIR RUFANE SHAWE DONKIN *to*
ROBERT WILMOT, ESQRE.

SCONE, NEAR PERTH, *September 29th 1822.*

SIR,—I have before had the honor of acknowledging the receipt of your letter of the 31st of July, covering certain papers relative to various grants of land made by me at the Cape of Good Hope; and I have now the honor of transmitting a detail of the grounds on which I made the grants in question; and I only hope that if, in two or three cases out of 112 stated in the two parcels of papers, I have not been able to give a full and specific explanation of the grounds of the grant, Earl Bathurst will make allowance, not only for the lapse of time which has occurred, and for my not having with me any documents to which to refer, but also for my not having taken at the time of making these grants, the slightest

precaution to enable me to answer the enquiries now made; for in making these grants I conceived, and still conceive, that I was only exercising in the ordinary way the power possessed and exercised by every individual who had ever administered the Government of the Cape of Good Hope, namely, that of granting lands to the best of his judgment, and conscientiously, with a view to the improvement of the Colony by promoting cultivation, building, and civilization by the occupying of lands theretofore waste.

In answering the several items in the two parcels of papers before me, I have proceeded seriatim, and article by article, beginning with that parcel of papers which contains 71 items; and on the perusal of the first of them, (that relating to Lt. Col. Bird) I naturally turned the papers over to look for the signature to a document which contained in its very first article two misstatements (as I have shewn in my answer to it) but neither to this parcel of papers, nor to the other of 41 articles is any name affixed; I am therefore at a loss as to whose observations I am replying; but I submit respectfully in justice to myself, and to the high office of trust and responsibility which I held for two years at the Cape of Good Hope, that no Individual except one of His Majesty's Ministers has a right to take 112 acts of my administration and pass a direct censure on every one of them; censures too, in this case, in some instances not founded on fact; and in others grounded on unfair statements and aggravated colouring. Moreover, in not a few cases the observations, in addition to their censorial character, evince a narrow and erroneous view of the real state and interests of the Colony since the arrival of the Settlers from England, to whose welfare and establishment my attention was more particularly pointed, and with a view to which a considerable number of the grants in question was made as I have explained in detail in the papers herewith transmitted.

It is with no small anxiety and uneasiness that I have read over the papers to which I am replying, but these feelings are solely on account of the new Settlers in particular and of the Colony in general; for I know the fatal effect which the inquisition made in order to draw up those papers must have had on the industry, the hopes, and the efforts of the people, by alarming them in their possessions, by shaking their confidence in their tenures, and by holding the whole Colony in a fearful suspense

until it shall have been decided here, whether or no a considerable number of Persons is to suffer from a reversal of 112 grants under my hand (for this appears to be the object of the papers which have been transmitted to Earl Bathurst,) and thus, by inference, to cast over my two years administration a doubt as to the validity of all other acts bearing my signature and seal.

I feel no uneasiness on my own account, for I am conscious of the uprightness of all my intentions while exercising the Powers entrusted to me, and I rely, as all those who have served under him do, with the most entire confidence on the public and private character of Earl Bathurst. In his hands I feel safe, as long as I have no wrong to reproach myself with, and I am confident that I have none, but I entreat his Lordship, (however uninteresting such small details must be to a mind employed as his is on higher and greater matters) to take the trouble to read my answers to the several Items in question. This will, no doubt, be a heavy tax on his Lordship's time, but it has not been imposed by me. A direct, and I must say an unfounded attack has been made by some Individual on above one hundred acts of my late Government. For judgment on the merits or demerits of that Government I appeal from the censor, whoever he may be, to that authority to which alone I consider myself accountable, namely to my Sovereign, or his Ministers. I was the King's Servant and Representative, not the Representative of another. I held and exercised the Government on my own Responsibility, and in my own name, for the King, and not in the name or under the Responsibility of another. While at the Cape I had all the Powers of a Governor, without any exception. I took a solemn Oath to exercise them all, and I did exercise them to the best of my judgment and conscience.

As far as my conduct has hitherto come under Earl Bathurst's notice, I am proud in the reflection that it has had his Lordship's strong and repeated approbation. I need hardly say how highly I value and how anxious I am to preserve Earl Bathurst's good opinion; and the greatest possible mark of favor his Lordship can shew me, will be to continue to call upon me to reply to any observations or animadversions which may be made upon my Government while at the Cape of Good Hope. I have &c.

(Signed) R. S. DONKIN.

[Original.]

Explanations by SIR RUFANE SHAWE DONKIN.SCONE, PERTH, *September 29th 1822.*

Before proceeding to reply, in detail, to the Remarks on Sundry Grants of Land made by me at the Cape of Good Hope the following preliminary and general observations may be necessary.

The Writer of the Remarks seems to have been impressed with, and to wish to convey the idea that the granting of Lands at the Cape of Good Hope was an act of Patronage and Power to be sparingly exerted and to be exercised under a variety of checks and precautions, as if Lands in that Colony were an object of general request, and were valuable in themselves. The direct contrary of this was the case, particularly in the remote parts of the Colony, where my grants were chiefly made. The individuals who received lands there, who expended capital on them, and who brought them into cultivation conferred a benefit on the Colony instead of receiving one. The duty of a Governor was to encourage applications for Land in the distant Provinces and never to refuse it when applied for by proper persons, and competent to bring them into culture.

To settle and to civilize Southern Africa was a Political Desideratum. So far, therefore, from expecting to be called upon for Explanation or Justification of my Grants, I considered, and I still consider those Grants as one of the most satisfactory parts of my Government. Until within these few years Lands were considered as a mere waste, occupied at will for Pasture and hunting by neighbouring Boers. Lord Caledon first endeavoured to regulate and improve this state of things. Sir John Cradock's great and decisive step of measuring Loan Places, and establishing Quit Rents (alluded to in the following sheets) made a further improvement, and the late Emigration under sanction of His Majesty's Government was the crowning measure for the first Colonization of Southern Africa. Every grant of Land, therefore, made by me to industrious and competent Persons was a following up of the above Series of Measures, and tended to enhance the Value of all the adjacent Lands, and, in proportion as a district became peopled, the remaining Lands, not

yet granted, rose in Value. The Governor's chief care therefore should be not to make Grants to improper persons nor for improper objects, but by no means to check applications for Land. He should discourage the Grazing System, and should select proper persons for his Grants who will build and follow agriculture. With these Views and on these Principles His Majesty's Government sent out the Settlers; and I never lost sight of those Views and Principles, either in regard to the Settlers strictly so called, or others who applied for Land. In a word, I endeavoured to fill up in detail the General Outline marked by Earl Bathurst.

In regard to Land in the older Provinces, my Grants were very few; but still the above Principles were kept in view, except only where Grants were made on public grounds to Public Servants, all which (and they are but few) will be explained in the following sheets as they occur. The First is one of this Nature.

I shall now proceed to my Explanation of the Grounds on which I made the first 71 Grants of Land at the Cape of Good Hope as detailed in a paper transmitted to me by Earl Bathurst's order by Mr. Wilmot.

No. 1. To Lieutenant Colonel Bird. This spot of Ground is stated in the "Remarks" to "adjoin the New Custom House" and to be "absolutely necessary to the Public Service." Neither of these assertions is founded in Fact. It does not "adjoin" the Custom House, but it is quite detached from it, and to the best of my recollection and belief is separated from it by a Street; and can no more be said to "adjoin" the Custom House than a dwelling house at the opposite side of a Street in London can be said to "adjoin" any public office to which it may happen to front. The spot of ground in question cannot, by any construction, be called at all within the Precincts of the Custom House. Neither is it "absolutely" nor even at all "necessary for the Public Service." The present Custom House with its adjacent Warehouses &c. is more than sufficiently large for all the trade the Colony has, or probably will have for very many years to come. Before making the Grant I inspected the Ground myself, to satisfy myself on all these Points, and had the Spot of Ground at the time belonged to an individual, and had it been offered to me for sale for the public Service, I should not have thought myself justified in purchasing it on any terms. It never could

be worth while, under any circumstances, to build upon it for public use. I give this as my official opinion formed at the time and on inspection of the Premises. Under this conviction I granted this small Lot for building to the Chief Public Servant of the Colony, the Colonial Secretary, to enable him to build on it whenever he might choose to do so, he having no Residence in Town; and as he advances in years and declines in Health (of both which Col. Bird complained much) he will probably find himself unequal to the daily fatigue of going into and out of Cape Town, 5 miles each way, in the severe heats and heavy Rains of that climate. The spot of Land, therefore, being at my disposal, and it not being in the remotest way connected with or wanted for the Public Service, I granted it to an old and honorable Public Servant in the usual manner.

No. 2. Robert Cooper. A few Roods of Land stated to be part of the Military Cantonment of Wynberg. I have not the slightest recollection of this individual, nor of the grant. I can only say, generally, that at the time of making this trifling grant, I could not have had any idea that it ever could have even required explanation or justification; for if I had been under any such impression, I should certainly have asked Earl Bathurst's instructions. I will venture to assert, from a knowledge of the general principles under which I always acted, that the grant is in no wise injurious to the public. Of the "Military Cantonment at Wynberg" I shall have occasion to speak at large at No. 71.

No. 3. Lieut. Colonel C. Bird. I made this grant of 466 Roods of Land on the Beach at Hout's Bay as a necessary adjunct of the larger Grant of the Lands relinquished by the Baron Van Hogen-dorp near Hout Bay, of which latter grant a detailed explanation is given in my answer to Article No. 2 of the other list of grants, 41 in number. Without this access to the Sea the larger grant would have been useless to Colonel Bird. The assertion that "it has been an invariable Rule never to alienate any land on a Beach" is wholly unfounded both in fact and principle: to adhere to any such rule would not only be injurious but impossible. The shores of the Colony contradict the assertion in every direction. There is indeed a Rule, and one which I never infringed, to reserve at and near all landing places and anchorages such ground as may be at any time necessary for the erection of Batteries or Military Barracks or defences of any sort, and also

to reserve to Government an ample and the best line of Landing Place, so as to ensure a perfect freedom of communication with the Sea for the public service, and this Rule I acted upon with the most zealous watchfulness. The small spot granted to Col. Bird as a point of communication with the Sea never can in any way interfere with any public communication or public defence whatever.

No. 4 to No. 11 both inclusive and No. 26 to No. 45 both inclusive.

The writer of the "Remarks" transmitted from the Cape of Good Hope has the following, opposite to No. 4: "As long ago as 1813 Sir John Cradock, to induce persons to build at Algoa Bay, notified that Lots would be granted for building on the payment of 30 Rixdollars and an annual Rent of 2 rixdollars. At that time there was no coasting trade, no traffic, and Algoa Bay was a place of no importance whatever. Upon this Memorandum, which is irrelevant to the present state of Algoa Bay, thirty other Lots have been granted, which, had they been sold by auction would have produced funds for public Buildings."

It is not very easy to discern the object of this "Remark." I apprehend it to mean that from the increase of coasting trade and the improvements made at Algoa Bay Building Lots, which in Sir John Cradock's time were sold for 30 Rds. had become much more valuable of late and ought to have been sold by auction for the benefit of the public Treasury. If this be the writer's meaning I admit it in its full extent, and I acted up to it; but he omits to state that I first, by my arrangements, gave that increase of value to those Lots, and that when I had done so I ceased to grant them on the original easy terms of Sir John Cradock.

The following is the process followed by me:

In 1813 Sir John Cradock offered building lots at Algoa Bay almost for nothing. They continued of no value until 1820, after the arrival of the Settlers. During seven years there was no demand for them, and Sir John Cradock's wish to improve the place failed from the circumstances of the times. It was clear, from the experience of seven years, that the lots had no intrinsic value in themselves, and that their value could be increased only by some extensive and accidental cause. This cause presented itself in 1820, and it became my duty to bring it forward into

action. The arrival of the Settlers gave me at once the hope that the place which I afterwards named "Port Elizabeth," at the bottom of Algoa Bay, might be made a place of value and importance to the Colony, and I encouraged such of the Settlers as had any Capital to build there, in order to have a point of export for their produce from Albany. To this many of them assented, and petitioned for building lots, but they stated their entire inability to purchase at any increased price. Of this, indeed, I was myself well aware, and I did not hesitate to grant on the original terms specified by Sir John Cradock a number of Lots to Settlers, as well as to some others who had Capital, and who petitioned for them, to the amount in all, the paper before me says of 30, although the general inaccuracy of that paper is such that I cannot, in the absence of all my own documents, say whether or no my grants exceeded, or fell short of, that number. At all events I granted as many as I thought necessary to give a full value to those I reserved for future sale by Auction on account of the Public and to set an example to future speculators.

My expectations were speedily and fully answered, and Port Elizabeth soon began to rise as a Sea Port. On my return from that place to Cape Town after locating the Settlers, I turned my attention closely to the increase of the Coasting Trade, particularly as connected with the new Settlement in Albany, and I held out every encouragement to that trade, especially in its communications with Port Elizabeth. The consequence was a fresh stimulus to that nascent Town, and even Merchants now applied for building Lots on the same terms as I granted them to others, declining to give more at first, for they would not both build on speculation and buy land on speculation.

I now perceived that my Plans for increasing the Coasting Trade, and for establishing a Port on the South Eastern coast were taking effect, and that the impulse which I had given might in some degree be left to itself; I therefore signified my intention, on my last visit to Albany, to grant no more Lots beyond those I then promised, on such easy terms; but that they should in future be sold by Auction to the best bidder. I must observe here that I did not grant, during my stay at the Cape, the most desirable and best selected Lots, those nearest the Landing Place, for instance; but I left them to be sold hereafter, whenever Port Elizabeth should become matured, and when they would fetch

their highest possible price. But all this is strangely omitted in the Paper before me. I hope I may be allowed to characterize this as a "strange omission" in a Paper professing, it is to be presumed, to inform the Secretary of State, and not drawn up merely to give him a wrong and partial view of the state of the case.

The above were the principles on which I made my grants at Port Elizabeth, principles in which I flatter myself with the hope that Earl Bathurst will concur, and grants which I confidently trust he will approve. The increase of Port Elizabeth, under my arrangements, in less than two years, far exceeded my hopes, as well as those of every other person, and that I succeeded eminently in my endeavours to increase the Coasting Trade has been felt and acknowledged by the whole Colony; but is more particularly noticed by the whole body of Merchants in their address to me on my departure, and after I was out of office.

The writer of the Paper before me seems to have taken, not only a very narrow view of the Question as one of general Political Economy, and to be wholly ignorant of that Rule of it which teaches a Government to encourage and foster, and not to bear too heavily on an Infant Establishment, but he has unfairly concealed two very strong facts connected with the subject, namely the increase of the Coasting Trade and the cause of the increased value of Building Lots at Port Elizabeth, the former caused by the establishment and growing prosperity of the Inhabitants there, and the latter resulting from my having induced those Inhabitants to establish themselves by giving them building lots on easy terms at first.

I must beg leave to take this opportunity of stating that not only does the name of "Port Elizabeth" * appear to have been discontinued (and it is never once used in the Papers before me), but I have reason to apprehend that the arrangements I had made for the further improvement of that Place and the increase of the Coasting Trade as connected with it and the new Settlement have been either cancelled, or allowed to fall into decay, to the great

* The name of "Port Elizabeth" is *no* Geographical Innovation, as has been given out at the Cape as a reason for its abolition. The Town, or rather the place where the Town now is, had *no name* when I gave it one. The Bay, at large, was called, and is still called, "Algoa Bay." With that name I never interfered.

loss of those who built and speculated on their continuance. The suppression of the Town of Bathurst, which formed a striking feature in my general arrangements for that part of the Colony, seems to warrant this apprehension.

I have thus endeavoured to explain the grounds on which I proceeded in granting building Lots at Port Elizabeth. I did not try to raise a trifling additional sum by premature Sales by Auction, and had I done so I should have failed; but I proceeded on what I conceived to be just principles of prospective advantage, combined with a due exercise of that discretionary power without which no Government can be efficiently administered. Moreover the case in which I was acting was an extraordinary one, and was not to be dealt with according to the precise Rule of any ordinary precedent. I had to establish near 6000 British Subjects, most of them without Capital, and in a Country affording very few local Resources. I had much to create, and it became my duty to discover and to apply every possible incitement to Industry, and every encouragement to Hope. There is no part of my administration at the Cape of Good Hope to which I look back with more satisfaction than to the arrangements I made for the establishment of Port Elizabeth as connected with the coasting trade, and the growing prosperity (at the time) of the Town of Bathurst.

After the above general explanation, it is not necessary for me to go into each item, but I observe several names of Persons in the Papers before me, as having received lots from me, who, in fact, received them from Lord Charles Somerset, whose grants, on my assuming the Government, I found made out, and to which I merely affixed my official signature from that feeling of courtesy which one Gentleman is supposed, naturally, to have towards another. Amongst these, to the best of my recollection, are Grant No. 5, John Brown, No. 6, A. Chiappini, No. 7, P. Terblanch, No. 8, Hugh Huntly, and some others.

No. 10. To Capt. Moresby of the Royal Navy I granted indeed with satisfaction. That officer, commanding His Majesty's Ship *Menai*, superintended the disembarkation of the Settlers with an anxiety, attention, and ability which called forth all their gratitude and my best thanks. This zealous and excellent officer, entering fully into my views as to the importance of Port Elizabeth, told me that if I would give him a Lot he would build a House upon it. This he did at once, and that House has since become a most com-

fortable Inn, and while Port Elizabeth did flourish, it mainly contributed to the growing prosperity of the Place. I need hardly add that this was so much money out of Capt. Moresby's pocket, for which he has never had the smallest return. Most of the persons who had received my grants had built, or were building, houses at Port Elizabeth before I left the Colony. One man, whose name I see, Fortune Weiss, had built three, if not four houses, and he told me he would build more if encouraged at all. In a word, Port Elizabeth became the focus of exertion, enterprize, and hope; and I earnestly entreat Lord Bathurst's protection to that place and to the individuals who, trusting to my seal and signature, have embarked their property and settled their families there.

No. 46. A. de Clerk or de Clerque. A building lot in the village of Beaufort. I have no sort of recollection of A. de Clerque, nor of the grounds on which I made the grant gratis. I will only say, as I have done at No. 2, that I must have been satisfied at the time that I was not injuring the Public. It is probable that Mr. De Clerque had been a public officer, or had rendered some public service for which it became necessary to reward him, and that I adopted this mode of giving him a building lot at Beaufort, stated to be worth Rds. 715, that is about £35.

I may here remark that I was frequently obliged to have recourse to other means of rewarding public services besides drawing on the Colonial Treasury, which was reduced to a low ebb, and was kept so during the whole of my administration by the very heavy sums laid out in the fulfilment of a Contract for the building of Newlands, the Country House of the Governor, which crippled me in all my arrangements; and I never signed a warrant for carrying on this costly building without feeling that I was taking too much money out of the sums required for the service of the Colony to construct a Residence out of all proportion too great, both in expense and size, for any Governor's Country Retreat.

Nos. 27 to 50, both inclusive, and 62 to 66, both inclusive. These are all grants of building Lots made by me at Bathurst. To establish a central point for a Magistracy, a Market, and for the general business of the Settlers became one of the first objects of my care after landing there; and in company with Colonel Cuyler, the Landdrost of the neighbouring district of Uitenhage, and Mr. Ellis, the Deputy Colonial Secretary, I visited the Interior of

Albany, and we all agreed that the spot on which I afterwards founded Bathurst was most admirably suited for the purpose. That opinion was fully justified in the ensuing year when I again visited Bathurst and found it in a state of Prosperity and Encrease I could not have ventured to hope. To induce People to turn their industry and views to that Point I proceeded on the Principles adopted on a larger scale by Government towards the Settlers in general, namely that of giving such as were disposed to settle at Bathurst Building Lots gratis. To justify such a measure as this I respectfully submit not one word is necessary. I determined on founding the Town, and the only means of carrying that determination into effect was to give people the ground to build upon. Not one of them would or could have paid for it, had I fallen into such a solecism as to ask them to do so. The success which attended these measures, until Bathurst was lately put down and extinguished by a Proclamation, is a sufficient proof of the soundness of my Principles and Plans. The Persons to whom I gave building Lots at Bathurst were either Magistrates, Persons having Capital, Artizans, or Persons wishing to engage in Trade. I will not trespass on Earl Bathurst's time a moment longer on this subject. I must, however, remark here again a second strange and unjustifiable suppression of a Fact in a Paper meant, I presume, to convey information to one of the King's Ministers, namely that *in consequence* of my making these Grants gratis, and thereby causing an afflux of respectable Persons, building Lots, which were at first worth nothing, sold, 14 months after, by auction for 1200, 1400, and 1700 Rixdollars each, and continued to encrease in value and to bring money into the District Treasury until the final Extinction of that Town, and with it the extinction of the Hopes and Property of those who under the Faith of my Proclamation and the official arrangements I had made, embarked themselves in the Plans I had laid down for the Improvement of Albany. I cannot express the Pain I have suffered from having thus, unintentionally, induced so many persons to embark their property, and thereby involved them in so much difficulty, by holding out to them Expectations which, by a reversal of all my Plans, have been so entirely disappointed.

Nos. 12 to 22 and 51 to 66. Grants of Building Lots made by me at Graham's Town. If any thing could clearly prove the rising prosperity of Albany, consequent on my first arrangements there

while locating the Settlers, it would be proved by the Papers to which I am replying, which shew the great number of Building Lots applied for and granted by me at Port Elizabeth, Bathurst, and Graham's Town during my two years administration. Graham's Town felt this, altho' in a minor degree; and many applications were made to me, on each of my journeys to the Frontier, for Lots in Graham's Town on which the Parties undertook to build. I never lost sight of my object, which was effectually to colonize Southern Africa, according to the Plans of His Majesty's Government, and to form a barrier against the Kaffers of as dense a Population as the Nature of the Country would admit. With this object in view I was always ready to encourage building, and when people would not pay for Ground to grant it gratis. In regard to the Lots at Graham's Town, many of them were granted to Officers of the Cape Corps, permanently stationed there, and a few to Officers of other Corps on duty there. By making these Grants, a great saving has accrued, and will accrue, I hope, to the Public; for by the officers building their own houses there will be no necessity for building a Barrack for them at Graham's Town. A trifling allowance of Lodging money now houses them, and keeps their dwellings in Repair. A Heavy Expenditure for a Barrack was avoided; an Expenditure which would not have been approved by the Treasury in England, and which the Colonial Treasury was unable to meet, exhausted as it has been by the expensive buildings at the Governor's Villa at Newlands. Moreover I considered the day as not very far distant when a considerable reduction of the Frontier Force might be made, in consequence of the encreased Population of Albany, and by the construction and establishment of the fortified Village and Military Colony I had stationed in advance at Fredericksburg; so that I was desirous to have recourse to the gradual and temporary disbursement of Lodging Money, instead of erecting at a great expense, what I considered, and still consider, as unnecessary, namely a Barrack. I observe that one Grant, No. 18, is stated to be "as a Reward for Services." This observation would have applied to several others at Port Elizabeth, Graham's Town, and Bathurst, for, as I have explained at No. 46, A. de Clerque, I had but small pecuniary means at my disposal, from the exhausted state of the Treasury. I believe that this Person, Linde, had been particularly useful and active under the late Col. Graham in putting down the Kaffer inroad about the

year 1817, but whose services had remained unnoticed until my arrival on the frontier with Col. Graham in 1820, when that deserving and lamented officer recommended to me several persons who had sustained losses under his command, and whom, on public grounds, I requited in such manner as their cases required and admitted. After James Linde's name, No. 18, is the following remark: "Mr. Linde's services had been requited, previously, by extensive Grants of Land." This remark recognizes the Principle; and furnishes me with a Precedent, on which I acted. The question then here is merely one of degree. I suppose I must have been satisfied at the time that Mr. Linde had not been *sufficiently* requited, and therefore made an addition (by no means a large one in that part of the Colony) to the former Grant. I observe that the respected name of Colonel Graham is noted as having received Grant No. 14. I had much pleasure in giving it to him. He was the founder of Graham's Town many years ago. It took his name, and he asked me for what he had never obtained before, a building Lot in the Town he had founded, and near which he had cleared the Colony of Kaffers and saved it from their inroads. I trust I need make no apology for such a Grant; had I refused it to Col. Graham, a man who had rendered the most essential services to the Colony, and who was so universally beloved in it that when he died almost every farmer and inhabitant to the remotest extremity of it subscribed to erect a monument to his memory, I should have drawn on myself my own regrets at this moment, and the execration of the Colony at the time. To this excellent Man and Officer, just before he expired, I made the Grant in the Graaff Reinet district referred to in the Remark on this Grant, No. 14, as some consolation to him in his last illness, and as a small though but very small resource to his Widow and four children, whom he left wholly unprovided for. His services fully entitled him to the latter Grant, of which I have given an explanation in its proper place (No. 7 of the second List of Grants), and my respected friend died soon after, a victim to disease brought on by exertion and activity in the service of the Colony.

No. 61. Mr. Henry Nourse. A Building Lot at Graham's Town. I have separated this from the General Mass of Lots at Graham's Town, to which I am replying, in consequence of a Note annexed to this particular grant, pointing out that Mr. Nourse is the "same Gentleman, a Merchant in Cape Town, to whom in Albany district

a grant consisting of 3,718 acres was made on the 20th November 1821, and to whom another Lot in Graham's Town similar to this was granted, gratis, also on the 4th December 1820." (Before I proceed, I must observe that the words "similar to this" in the last member of the above sentence may, at first sight, be supposed to imply that *two* grants of 3,718 acres had been made to Mr. Nourse, but the relative "this" refers, I suppose, to No. 61, the article under consideration and only a building Lot; at all events Mr. Nourse had not two Grants of the above magnitude.) My first knowledge of Mr. H. Nourse originated in the strong and particular letters and documents in his behalf which he brought out with him from the Secretary of State's Office, and which made it imperative on me to shew every practicable attention to his Commercial Plans and wishes; and this I did most willingly, as they were upon a large scale, and promised to encrease the Commercial and Agricultural Prosperity of the Colony. Mr. Nourse is a Merchant of very great Respectability. His Plan was, and I believe still is, to form Seven different establishments in different Parts of the Colony, over the chief of which he would preside himself, and over the others he told me he intended to place his sons and other respectable and confidential Persons. With such letters as Mr. Nourse brought, and possessing such Capital, Character, and Respectability as he did, I was not only disposed, but was bound in duty to further his Plans; and I gave him several allotments of building and other Lands on which to place his Establishments. To have checked such Enterprizes as Mr Nourse's would have been highly censurable in me, and had I not cordially seconded them, I should have neglected the spirit of the Instructions he brought with him from the Secretary of State's Office. Had I remained longer in the Government, it was my intention to have added, in my next visit to the Frontier, very considerably to Mr. Nourse's Grants, to enable him to carry into effect a large farming Establishment in Albany, which would have materially affected that district in a most beneficial way, by diffusing Capital, and by giving employment to many hands wanting work. This Establishment of Mr. Nourse's was to have been on the Kowie River, near Bathurst, and was intimately connected with my Plans for improving the Coasting Trade between Bathurst, Port Elizabeth, and Cape Town.

Nos. 62, 67, and 68. Captain D. Campbell. After No. 67 is the

following remark: "This and the following Grant interferes with the Situation allotted for the Building of the Magistrate's House." In the first place, I never heard nor knew that it ever was intended to build a Magistrate's House at Graham's Town, nor do I now believe that any such House was ever either ordered or in contemplation. I could give pretty strong Reasons for this opinion were it necessary here to do so. Secondly, if any such Intention really did exist, I most assuredly would never have carried it into Execution without a precise order to do so from the Secretary of State for the Colonies, for my opinion is, that whether we consider the former state of Graham's Town, before the foundation of Bathurst, or after that foundation, a Magistrate's house at Graham's Town, circumstanced as that Place was, was wholly unnecessary, and still is so, and that to build one there would be a waste of Public Money. Captain Campbell, of whom I shall have to speak hereafter, was one of the most respectable of all the Settlers, a Man of Honor and Education, and he was selected by me as one of the principal Magistrates on the Frontier, and he fully answered the confidence I placed in him. I gave Capt. Campbell the Ground here alluded to as a small appendage to the Farm he was going to build on and improve. I went into a very minute examination and inspection of the Ground myself, and after a full enquiry I granted it to Captain Campbell.

No. 69. To Sergeant Grant. Of this Grant of Land I have no recollection. I can only say that I must have had some sufficient reason given to me, and on public grounds, for making it. As to the Remark that it is "the most beautiful part of Graham's Town," I apprehend that if the Grant were justifiable on other grounds, its being "beautiful" would be no objection to it; but I am at a loss to imagine where this spot can be, as Graham's Town has no pretensions to the picturesque or beautiful, as it presents nothing to the Eye in all its neighbourhood but a Heathy Surface of bare land, without Trees or Shrubs, except a few stunted Mimosas, with a low Rock near the Town, which the Settlers and others were blasting for building.

No. 70. Brigadier Major O'Reilley. A small Building Lot, I thought it right to grant to the permanent Brigade Major on the Frontier, on which he has built a Residence.

No. 71. Major G. Rogers, Wynberg. However prepared I ought to have been by the unsupported assertions in the paper before me,

as well as by its general Tone, I must confess that when I came to the Remark upon this I was surprized indeed. The Remark begins with the Assertion (I dare not qualify the substantive in a paper like this) that this Grant "comprizes *nearly the whole* of the Government land at the Military Post of Wynberg." Where, then, may I be allowed to ask, does the Writer place the Exercising Ground and Parade, the Ground on which Eight Barracks for a Battalion stand, the land on which stand the Commandant's House and large garden and stables, three or four other Officers' Quarters and Gardens, with a considerable extent of Ground about these which I cannot here describe? The Grant I made to Major Rogers (whether justifiable or not I shall endeavour to shew hereafter) was a slip of Ground at the Back of the Cantonment, adjoining the Land which had been granted to him at Wynberg by (as I always understood) Lord Charles Somerset, and my Grant does not, to the best of my recollection and belief, exceed 3 or 4 acres. It may be a little more, but I think not; at all events, on my inspecting the Ground, it was my opinion that it in no way interfered with the Military character or Use of the Cantonment at large, to which it bears but a very small proportion. I will now explain the grounds upon which I made this Grant. Major Rogers had been first Aide de Camp and Military Secretary to Lord C. Somerset, and when that officer went to England, I received Major Rogers from him as my first Aide de Camp and Military Secretary. Lord Charles Somerset had, as I always understood, previous to this granted to Major Rogers a considerable piece of Land at Wynberg, on which he was building a house. I considered my Grant as a mere extension of the former one, and I believed, and still believe, that I was acting on Precedent, not only in regard to Major Rogers, but that I had only to look a few yards farther for another Precedent in the Grant of a considerable piece of Land at Wynberg to another Aide de Camp of Lord Charles Somerset, Capt. Underwood, who had built a house on it and added extensive Gardens. Under this Persuasion I made the Grant in Question to a deserving old officer, with a large family. I have now to say a few words of what is called "the Military Post of Wynberg." When we had a very large force, in time of War, at the Cape of Good Hope, this Hill of Wynberg was occupied by part of that force, both as a look out Post and from want of Room elsewhere. Temporary Barracks were built, I believe by the Hottentot Corps, for a Battalion; and these Barracks,

altho' I would not repair them from the improbability of their ever being wanted again, still exist. There is also the Commandant's House and several Officers' Houses, all nominally Military Barracks; but so little is Wynberg considered as a "Military Post" at present that, for several years past, one of these Officers' Houses has been occupied by Mr. Wilberforce Bird, Comptroller of the Customs, to whom Lord C. Somerset lent it, with its adjacent large Garden. The Commandant's house he in like manner had lent to Persons in no way connected with the Military Force at the Cape, namely to the Collector of the Customs latterly, and before that to a Bengal Officer, who being upon the Turf and keeping Race Horses, found the Stabling desirable. Another small Barrack (the former Sergeant Major's when Troops were at Wynberg) has been occupied by the Huntsman of the Pack of Hounds for many years past, and whom I was particularly requested not to displace, which, as a matter of courtesy, I did not do. In short, no Military use has been made of Wynberg since the Peace, nor, in my opinion, will it ever be likely or necessary to occupy it again as a large Military Station, for which opinion I could give military Reasons. But be this as it may, the Ground remains as before in regard to Barracks, Parade, Exercising Ground, &c., &c., just as I found it, with the exception of Grant No. 71, to Major Rogers, of which I am speaking, and of the next grant of about $\frac{3}{4}$ of an acre, to an old and faithful Servant of mine, adjoining the Huntsman's House, and of which I shall speak hereafter. This is the real history of my Grant to an officer who held a very confidential situation under Lord Charles Somerset, and under me, and lately under Lord C. Somerset again, a Man with a large family, for which he has made little or no Provision, and whose health has been ruined in His Majesty's service. The "Pretty Villas, sheltered from the South East Wind" alluded to in the Remark remain as they were, untouched and uninjured by this Grant. All that were in existence before are in existence now. I submit that my grant to Major Rogers has in no way injured the Military Post at Wynberg. Had I supposed that this grant could have injured it, I would have peremptorily refused it, as I did several other improper applications for grants there, and, in one case, altho' the strongest and most urgent applications were made to me by persons of the highest Respectability in behalf, too, of a person having claims on the Government, I peremptorily refused!

the Grant; and, since I have been in England, I have been addressed from a Quarter to which it was hard for me to give a Negative, to advocate the Grant in Question with Earl Bathurst, when I again refused, on public grounds, because the spot asked for at Wynberg might possibly, however unlikely now, be some day wanted for military occupation. I state this to prove to Earl Bathurst that I did not lose sight of even a contingent possibility by which the rights of the Public might be in any way compromised.

The next Article, no Number, is William Luttermann. Here, for the first time, after going through 71 other Grants, I find one in which I have given way to my personal feelings, to feelings of gratitude and attachment to William Luttermann, an old and faithful servant of mine, who had adhered to me and my fortunes for 13 years in all Climates and Countries, who had twice followed me, uncalled for, into action to supply my wants, particularly in bringing me a fresh horse, under a heavy fire, in Spain, when the one I rode was wounded, who had watched over me in sickness and deep affliction, and who had lost his health in serving me. To this individual, William Luttermann, I gave as a Retreat for himself, his Wife, and Children, about three Quarters of an Acre on which he has built a Cottage, adjoining Captain Underwood's, before mentioned, and adjacent to the Huntsman's Garden. I offer no excuse for this small Grant. I have stated the Case as it is, and leave it for Earl Bathurst's decision. My faithful and humble attendant would resign it and all he is worth rather than see his former Master's name called in question on his account.

This concludes the first List of Grants made by me, as transmitted to Earl Bathurst from the Cape of Good Hope, and for which Explanation has been called for by His Lordship.

(Signed) R. S. DONKIN.

[Original.]

Explanation of the Grounds on which I made 41 Grants of land in Perpetual Quit Rent, at the Cape of Good Hope, as specified in a List transmitted to me by Earl Bathurst's order by Mr. Wilmot.

SCONE, PERTH, September 29th 1822.

No. 1. To J. W. Stoll, Esqre. The remark says "This has been made by Verbal order, without Report, by which all the regulations laid down for granting lands have been disregarded."

This gentleman, Mr. Stoll, is truly designated in another part of the "Remark" on this grant, as a most "respectable and meritorious public servant." He is Landdrost of the Cape District, and in that capacity it is his duty to report on, and put through all the necessary preliminary forms all grants of land made in his district. To call upon him, therefore, for a more technical Report as to whether or no, he as landdrost saw any objection to the grant of land for which he himself had applied, would be a useless form, but such is Mr. Stoll's accuracy, that I conceive it to be very unlikely that he would omit any form essential to the grant of land applied for by himself. He is above all trick and subterfuge, on his character as a magistrate, and on his honor as a man, I rely, when I say that I cannot believe that, as far as he was concerned, he would allow me to omit any necessary formality in this Grant.

If such omission has occurred, it has originated in him, as Landdrost, and been overlooked in the office of the Inspector of Lands and Woods, by Mr. D'Escury, and this public officer, of whom I cannot speak too highly, either in regard to his accuracy or integrity. The omission then, if any there be, is theirs and not mine, but at most, in this case, it is a mere technicality and wholly unessential and inoperative. If, however, any blame be due, I am ready to take my full share of it.

As the paper before me contains repeated allusions to my having granted lands by "Verbal Order, without Report, by which *all* the regulations for the granting of Government Lands have been disregarded," it is quite necessary to explain fully, in the outset, the process by which the Governor of the Cape of Good Hope usually proceeds in granting lands, and to point out the Rules and Principles by which he is usually guided; for, without this preli-

minary general explanation, it will be impossible for Earl Bathurst to follow the particular explanations hereafter given ; but before I go into the history of this operation, I feel myself called upon to explain the true force and import of the words "lands granted by *Verbal Order*," a phrase which to persons not intimately acquainted with the subject would seem to imply that I had given away lands by a sort of military word of command : "take this, or take that land," without farther ceremony, whereas the true and only import of those words is that the land in question was granted without the formality of the Landdrost's "Report," of which I have spoken above, and which I shall have occasion to refer to and explain immediately ; but every grant of land (down to the most minute portion) made by me, went through every *necessary* form and enregisterment ; and, finally, each grant was made out in the proper office in duplicate, was stamped with four or five stamps, was signed and sealed by me, countersigned by the Colonial Secretary, and then one copy was delivered to the Grantee, on his paying the Fees to the Colonial Treasury, and the duplicate (signed and sealed as above) remained in the Colonial Office. This is what the writer of the Remarks has so ambiguously called granting Lands by "Verbal Order."

I shall now proceed to the general Process of granting Government Lands.

Before the British Settlers went out to the Cape of Good Hope in 1820, land was of little or no value there ; and it had been the policy and indeed the duty of Governors to grant Government Lands all over that extensive Colony to any persons who were able and who would undertake to cultivate them. So far were Governors from being called upon to say why they granted Government Lands, that they would have considered it as a meritorious act (if an act of mere duty could be called meritorious) to have extended the Government Grants, and thereby to have improved and civilized those African Wilds.

The first process, in the time of the Dutch, was very simple and rude : an Individual applied to the Governor for land in a particular district ; the man, if approved, was told to go and measure his land and take possession. This was done by placing himself on the Spring of water, (for a Spring was always an indispensable and first requisite in that arid Country), and from that Spring as a centre, the man was allowed to walk straight forth, in every

direction, for half an hour, making thereby a number of radii. The periphery drawn round these radii became then his Boundary, and here he sat himself down and built his house near the Spring. Such a grant as this was called a "*Loan Place*," that is a Place *lent* by Government, but resumable at pleasure, a little calculation will shew, supposing a man to walk at the rate of 3 miles an hour, that each of these Loan Places must have been about 9 miles round, and 3 miles in diameter, which last circumstance involves a condition that in no case could one man's house be nearer to that of his neighbour than three miles. This was the minimum of propinquity and implied a very sparse population, at best.

Sir John Cradock (many of whose views for the benefit of the Colony were enlightened, and prospective in their operation, and aimed at benefits which were to result beyond the period of his own Government) saw the mischiefs both moral and political which arose from this loose mode of occupation and tenure, and applied to the then Secretary of State for the Colonies (I believe Viscount Castlereagh), and obtained leave to resume nominally, and, if necessary, to resume in fact, all those *Loan Places*, the occupiers of which would not agree to have their lands *measured*, and to pay to Government a small *Quit Rent*, as an acknowledgement of Sovereignty, on which Government engaged to grant the Loan Place in "*Perpetual Quit Rent*" at the then fixed Rate; and, moreover to grant in *Freehold* about 60 or 70 acres round the Spring for gardens &c., and this Process is called "*converting a Loan Place*," a Term frequently used in the paper transmitted from the Cape, and to which I am replying. This Process, besides the Revenue arising from it, and the advantages of registering and coming in contact with the rude population scattered over immense tracts of country, immediately enhanced the value of the other ungranted lands; and, the Proprietors of Loan Places, not only, in very many instances, set about "*converting them*," but their friends, relatives, and offspring applied for adjacent lands and spread themselves over the country. Some rough and independent Boors, however, were refractory, and could not brook paying for Lands which their families had had for several generations, and which, long possession, in spite of the name of *Loan Place*, had taught them to consider as already their own, and, although this salutary operation has been going on, according to Sir John Cradock's views, for many years, the whole of the Loan Places are not yet "*converted*," and, as a refusal to

convert a Loan Place implies a dissent from the views of Government for the improvement of the Colony, it has been made a rule, and a very wise one, not to grant any additional Lands in perpetual Quit Rent to any Colonist who has not converted his Loan Place. The severer Penalty of resuming into the hands of Government the unconverted Loan Places has seldom, perhaps never, been resorted to.

Under this encreased demand for and new principle of granting Lands, it became necessary to establish some new and more precise mode of proceeding, both for the purpose of guarding the Governor from being imposed upon by improper applications for lands which might be wanted for public service, as well as to prevent his making grants which might interfere with what was already private property, a "*Report*" was therefore called for from the Landdrost of each district on the case, as a preliminary step, and, the Memorial, (for all Lands are asked for by Memorial) of the Individual wanting land in his District was referred to the Landdrost, to enable him to look into the nature of the request and to make the required report, for the Governor's information, accordingly.

It is the absence of this Report on which the writer of the remarks before me lays such frequent stress, and which he designates as granting Lands by "Verbal Order" and by the omission of which he says that "*all* the Regulations for the granting of Government Lands have been disregarded." The intensive adjective "*all*" is sufficiently indicative of the spirit in which these Remarks have been drawn up; at the most this omission of the Landdrost's Report is the omission of but *one* of the Regulations, the remainder of which I shall proceed to detail. I hereafter shall give my reasons for having, in some cases, chiefly in the new Settlement in Albany, departed from and dispensed with that preliminary, and, in that Settlement, impracticable process.

The report of the Landdrost, when obtained, is by no means final. The next reference made by the Governor is to the Inspector of Lands and Woods. In his office Record is kept of Loan Places, converted and unconverted, what lands or woods have been reserved or ought to be reserved for Government purposes, what Quit Rent has been or may be imposed on Lands in the District in question, together with a great variety of miscellaneous information, to which the Governor has recourse in case of need, the care and superintend-

ence of which department is now in the hands of Mr. D'Escury, a man of high honor, great intelligence and diligence, and of scrupulous accuracy, whom I was in the habit of consulting fully and freely on all doubtful or important matters relating to the granting of Lands. I did not, however, always agree with him on one subject, that of Quit Rents, the rates of which I think Mr. D'Escury pitched frequently as much too high as the Landdrosts placed them too low. I found this branch of Colonial Revenue very much in need of Regulation, and I fear that it is one which will fall very short of its usually estimated amount, in fact the Receiver General told me, just before I left the Colony, that the Landholders were very much in arrear on account of their Quit Rents, and that a great number of them never would be able to pay up what they owed. My opinion is that Mr. D'Escury, with the best intentions, has pitched the assessment too high on wrong assumptions, and on consequently wrong conclusions. I wrote a paper on this subject for my own guidance when at the Cape, but which is in London. Should Lord Bathurst be pleased to require a copy of it, I will transmit one when I return to town.

To continue, after the Government Inspector of Lands and Woods has done his part, the Government Surveyor is consulted, when necessary, by the Governor.

And lastly, recourse is had to the Colonial Office, to see in the correspondence and records there, whether or no any objection exists directly or is known to exist collaterally or from circumstances to a compliance with the Memorial for Lands under consideration; and, objections pointed out to me by the Colonial Secretary have repeatedly been fatal, at once, to Memorials for Land, without further reference or discussion.

In conclusion, the whole of these forms and proceedings are checked, modified, and controlled by the discretion and general views of the Governor, who frequently on general and prospective principles, refuses to grant lands asked for, without going through any one of the above steps; and who, on the other hand, often dispenses with parts of the above process, when he knows from his own personal inspection and enquiries (particularly in the remoter Provinces where there is no danger of new grants clashing with the older Proprietors), that the grant in question is not objectionable. The Forms which I have detailed never were meant to be, nor did I ever consider them as literally imperative on the Governor

as mere forms. The object of them was to convey correct information to him, when he wanted it. They were meant as aids, and not as impediments, to compel a Governor, particularly in the case of a frontier Province at a distance from the public offices of Cape Town, to go through the whole of such a process as I have described, (which, when the lands were distant, took usually 9 or 10 months, and never less than 4 or 5 months), at a time when he was himself on the spot and in possession of every possible and necessary information, which was the case in *all* grants made by me, by direct order from myself, would be to sacrifice the principal to the Accessory, the substance to a form, and, in the case of most, I may say all, of my grants in Albany, would not only have been impossible from circumstances, but would have paralysed the whole of my duties there, and would have left the Settlers with their hands idle before them while I was going through the cruel absurdity of a set of forms, to obtain a technical information on a subject before my eyes, with which, and all its bearings, I was much better acquainted than any officer or department under me possibly could be. I admit, and I admit it with the pride of conscious rectitude, and with the gratifying retrospect that I was exercising my powers for the benefit of the individuals sent out and confided to my especial care, that I did in many instances cause grants of land to be made out "without Report" of the Landdrost, and by my "Verbal Order" as it is called in the Remarks, but I have explained higher up that this "Verbal Order" as it is called was, in *every case* accompanied by the necessary legal formalities of a grant under my hand and seal, countersigned by the Colonial Secretary, covered with stamps, recorded, and made out in duplicate. I admit too, with the same feelings of satisfaction, that I did in some cases "disregard" *some of*, not "*all*" the Regulations laid down for granting Government Lands, as repeatedly asserted in the papers before me, and in so doing I indulge in the hope of Earl Bathurst's approval. I proceeded, where the settlers were concerned, in the spirit of Earl Bathurst's instructions, and I am gratified in having this opportunity of showing that I honestly took upon myself a responsibility which has called for the "Remarks" to which I am replying.

In regard to Grants made out by me in the older districts without going through all the routine of forms above detailed,

they shall have, each, a separate explanation as I proceed through the paper before me, but such grants are very few in number, indeed, compared with the whole number of grants made by me. It was my principle never to depart from established forms, nor to make innovations where I could avoid it. Having thus replied to No. 1 I shall proceed to

No. 2. Lt. Col. Bird. The "Remark" to this item is: "This Grant includes the whole of the land formerly ceded to, and afterwards resigned by the Baron Van Hogendorp." Certainly it does, and I am at a loss what object the writer had in making this remark, which involves a simple truism. The Baron Van Hogendorp would not take out his grant by paying the usual fees, &c. He threw the land back on the Colony. This was certified, officially, by his agent, and I made a fresh grant of the land, as a matter of course, indeed as a matter of duty, for this fine valley had been too long without an occupant. My only business was to take care and grant this land properly. Several applications were made to me for it, amongst others by His Majesty's Fiscal (I may remark here by the way that if there had been anything doubtful or improper in my regranting this land, the chief law adviser of the Crown in the Colony would hardly have asked for it himself), but on due consideration I determined to offer the land to the first servant of the Government, to Colonel Bird, the Colonial Secretary. I did offer it to him accordingly, but quite unsolicited by him, indeed, at the time, I was above 600 miles distant from him, in Graaff Reinet. Colonel Bird has a family of 11 or 12 children. He has served the Colony faithfully and laboriously for 13 or 14 years, and I granted the lands to him as a reward for past services, and as a means of establishing hereafter one or two of his children. I do not think I could have allotted the land in a more appropriate or beneficial manner. Had I not so granted it myself, it was certain that my successor, whoever he might be, would, the instant he arrived grant it to somebody, his motives and his choice might have been as pure and as good as mine, but, they could not have been more so. The public could not have gained anything by my leaving this grant to other hands, and, if a worse and less worthy choice had been made, it would have suffered. I therefore granted the lands at once to a faithful and deserving public servant, and rescued the lands from the state of waste and non-occupation in which they had remained so many years. I shall

merely add, that such is my opinion of Colonel Bird's integrity that I feel persuaded that if he had seen the smallest public ground of objection to the land being assigned to him, he would, himself have pointed it out to me, and would have declined the grant. As to my having made it by "Verbal Order," that is without the formality of the Landdrost's report, (the nature of which I have so fully explained above) I have only to say that as I had ridden over the property a hundred times, had seen a plan of it, and was aware of all the particulars of the place, to consult the Landdrost was wholly unnecessary. I very sincerely believe that of the two, I was more able to give the Landdrost information about this land, than he was to give it to me.

No. 3. D. Denyssen, Esqre. (His Majesty's Fiscal.) Of this grant of about 100 acres, and what led to it I have no recollection. The Fiscal is a man of such integrity, and holds so responsible an office that I am persuaded that he never would ask for anything improper or injurious to the public. Indeed the writer of the remarks seems to have nothing to say but that this grant was made by my "Verbal Order." I have before explained what this term "Verbal Order" really means, and if the Grant to the Fiscal was so made it must have been because I was at the time so fully acquainted with the land, and all the circumstances, that the mere form of a report from the Landdrost was unnecessary, it could have been obtained in 48 hours had it been deemed at all necessary.

No. 4. J. Hoets, about 16 acres. I have no sort of recollection of this person, nor of the small grant I made to him. I will venture, however, to say that I must have had some good and sufficient ground for the grant. The grant is a very trifling one, and I must leave it for justification to the general explanations I have given in the context to other grants, which I can recollect.

No. 5. J. G. Faure, about 1100 acres. The remark says that this person was possessed of a "Non-converted Loan Place" at the time. If so, this grant ought certainly not to have been made, but the error, if there be one, lay in the office of the Inspector of Lands and Woods, who keeps the Register of all Loan Places and who ought to have checked the Report. If he had done so, he would have stopped this grant at once. Who, or what Mr. Faure is, or where his residence is, I know not, but had I discovered during my stay that he had an unconverted Loan Place, I should

have immediately called on him to have it measured, and converted, or I should have resumed such Loan Place, according to Law, and this is what any Governor might have done without reference to the Secretary of State.

No. 6. A. Stockenstrom, Esq., about 10,000 acres. The "remark" says that this is part of the "finest Sheep Country in the Colony," and it might have added that that was the very reason why I granted it to that active and efficient magistrate, Captain Stockenstrom, the Landdrost of the great frontier district of Graaff Reinet. To detail all the services of this gentleman and of his father would be to give a History of the Northern and Frontier parts of the Colony for these last 25 years. Captain Stockenstrom's father was killed cruelly by the Kaffers, while he, as Landdrost, was checking one of their inroads. Captain Stockenstrom was immediately appointed by the then Governor to succeed his father as Landdrost. His duties on that Frontier have been ever since of the most delicate, as well as of the most active kind. Besides the Kaffers and the Bosjesmans, the boundaries of his district touch on several other tribes of Africans, whom it is necessary alternately to flatter and to coerce, and who have always the power, if offended, to make inroads into the Colony. The late Kaffer war was chiefly put down by this gentleman's advice and conduct. On his expressing a wish to have this land, I did not hesitate a moment in conferring it, but for his exertions and those of his father, in all probability the Kaffers would have been in possession of this very land, and, the British Government would not have had it to grant. Nobody else wanted this land, or could have had any claim to it; it was in a very remote part, and useful only to a person with stock and means such as Captain Stockenstrom had. I was on the spot at the time; and, wishing to reward this deserving Magistrate, as well as Colonel Graham (mentioned in the next article No. 7), who had served with Captain Stockenstrom in a former Kaffer war, I divided a tongue of land, bounded by two rivers, between them. Such were Captain Stockenstrom's claims, and such had been his services, that had he asked for the whole of this tongue of land I should have thought myself bound to give it to him, but on his finding that his friend Colonel Graham wished for part of it, he pointed out the larger portion as appropriate for his former commander and comrade, and applied for the remainder himself.

No. 7. Colonel Graham, about 11,000 acres. The remainder of the last mentioned piece of land. I ought, perhaps, earlier to have explained that these apparently large grants amount, in fact, in the best and most thickly inhabited districts even, to very little in reality, probably not a tenth part of the above 11,000 acres is applicable to any purpose at all, and perhaps none to the raising of grain. The Government Experimental Farm of Groote Post, near Cape Town, is above 40 miles in circumference, of which, as well as I recollect, not above 400 acres were in cultivation. This may give some idea of the necessity of large extents of land in a Colony so sandy, arid, and unproductive. That zealous officer and excellent man, Colonel Graham, to whom this article refers, was dying at the time I made him this grant. He had hinted his wish, when with me the year before on the frontier, to have some land there. He reminded me of this when dying, and sent to me to say that he was unable to make any provision for his wife and children. I felt that to grant him this land was to do but little for him, as it required personal and active superintendence, which, to the last, perhaps, he flattered himself he might be able to give it. His friends pressed me for the grant. I made it, and Colonel Graham died a few weeks after, a victim to a disease he had contracted in the service of the Colony from exertion and anxiety. I do not believe that these 11,000 acres are worth or would sell for £200. I am pretty confident that if the Colony would give Mrs. Graham £400 for her right and that of her children in this grant, she would gladly accept it.

No. 8. Mr. C. L. Stretch. This gentleman was in the 38th Regiment, had married the daughter of Mr. Hart mentioned in the next Item but one, No. 10, and at Mr. Hart's solicitation I made Mr. Stretch this grant to settle on. He had already built a house in this remote part of the Colony, was instructed and aided in agriculture by his father in law, Mr. Hart, and his settling in and improving this part of the Colony was a benefit to it. To intersperse British born subjects, and above all, half pay officers, amongst the Dutch Boers in distant quarters of the Colony was for very many accounts very desirable, and no opportunity of adding to this class of colonists should ever be lost. The Remark notices that this grant, altho' "reported on by the Landdrost or Commission," had not been "referred to the Inspector." I cannot account for this omission, but it must have originated in the

Colonial Office, or in some of the intermediate departments, and could not possibly have originated with me, for when once a memorial for land has been given over to the Landdrost, (as this was) for Report, it goes, as a matter of routine, through all the other departments as a matter of course, and the Governor never sees nor hears more of it till the final Report is brought to him for his "fiat," on which the grant is made out.

No. 9. Mr. H. A. van den Berg. I have not any recollection of this person, nor of the grant. I perceive by the Remark that the Quit Rent of this Grant is stated at only 5 Rixds. per Annum for 10,218 acres. I have already had occasion to speak of "Quit Rents," and my having occasionally differed from the Inspector of Lands on this subject, as detailed in a preceding article, No. 1, in my account of the process of granting lands, but no difference of calculation could have produced such a discrepancy as is mentioned in the "Remark." The rate of 5 rixds. per annum only must have been with a view to giving a *nominal* Quit Rent only, which was the practice when it was intended to remunerate a person for public services by a grant of land, instead of paying him in money by augmenting his salary, or by giving him a sum in hand, which, in my time, the Treasury could not afford, and I infer from the small Quit Rent that this Mr. Van den Berg must have been some public functionary who had claims, and whose name was brought officially before me, by memorial, and who was required in this way.

No. 10. R. Hart. The "Remark" on this grant begins by saying that "This is the only objectionable mode in which Mr. Hart's meritorious services could be rewarded," and then proceeds to detail Mr. Hart's services and merits in charge of the Government farm in Albany. I assent to all the writer of this remark has said in favor of Mr. Hart. He has been a most useful and faithful public servant, but I cannot assent to his dictum that this is the "only objectionable mode" of rewarding him, on the contrary, I consider it is the only proper one, so that we are at complete issue on this point, which is an obvious one of Political Economy, of which the writer seems to have little or no knowledge, and to confine his view to some single object just before him. A short account of the origin and intention of this Government Farm will shew this, and Earl Bathurst, I am disposed to think, will concur in thinking that this farm ought to be done

away with. Had I remained another year in the Government I should certainly have put an end to this Establishment as a Government Farm; and my grant of land to Mr. Hart was meant as a preliminary measure for getting rid of the injurious and artificial excrescence under Mr. Hart's charge. Some years ago it was found quite impossible to provision the troops on the Frontier by *Contract*, which is the usual and proper manner. The Kaffers made such inroads, the farmers were obliged so often to fly, and the population was so thin, that the Contractors continually failed, and the Troops were more than once reduced to great distress for food. To ensure a supply, it was determined to cultivate, on account of Government, a large farm, the charge of which was given to Mr. Hart. Under his active and honest superintendence the farm prospered, and fully answered the end proposed. In process of time, however, the Kaffers being repulsed, and the country re-occupied by the Farmers, the injurious effects of this Government Farm began to be felt by those Farmers. Here was an Establishment, supported by the Treasury of the Colony, aided by soldiers as workmen and artificers, fully supplied with Hottentot labour, and, above all, placed beyond all injury and risk of ruin to the proprietor of bad crops; for the proprietor was the Government, and Mr. Hart merely a salaried servant. It must be evident that such an artificial farm as this must extinguish all competition in every market within its reach, and above all preclude the possibility of the natural cultivators of the soil from offering any of their produce to the Commissariat for the troops, for the Government Farm, supported as it was, could, and did, on every tender, underbid them. The whole district of Brintjes-Hoogte and vicinity was thus overshadowed and blighted by this powerful establishment, to the great injury of individuals and all that part of Albany, but when near 6000 British subjects came out, expressly as *cultivators*, and my orders were to encourage agriculture in Albany, it became imperative on me to open every possible market to the newcomers, and to remove, as far as was in my power, every check to agriculture. It required but little discernment, and but a slender knowledge of Political Economy, to see, at once, that while the Government Farm under Mr. Hart existed, the new settlers could neither gain strength nor prosper. They were overshadowed by it in every direction, and choked in every effort by its far-spreading ramifications, and when the

settlers had accidentally learnt my sentiments, and the preliminary step I had taken of making Mr. Hart a grant of land, they expressed their thanks and satisfaction, and acquainted me that had I not so anticipated them they intended, after their first crop, to have addressed me on the subject. Having quite made up my mind as to the expediency of subdividing this farm, and of selling it to individuals for the benefit of the Colonial Treasury, I considered of the means of gradually abolishing it. One of the first steps was to provide for and satisfy the overseer, Mr. Hart. To pay him an equivalent in money for the advantages he enjoyed on the farm would be a very heavy expense on the Treasury. Fortunately, he pointed out to me, while I was at the Farm, what would satisfy him perfectly, and it was this very grant of land. This relieved me at once as to Mr. Hart. I saw the land, it was on the top of a ridge of high hills, and to my apprehension but a very inadequate compensation for what I told him I had it in contemplation he should hereafter give up. No doubt, as the Remark says, if he keeps *both*, that is the land and the charge of the farm, his having land of his own would be highly injurious to his discharge of his public duties. In framing this grant I caused the heads of the Springs and all the running streams, whether on or adjacent to Mr. Hart's grant, to be especially excepted out of it, so as by no possibility to injure the Government farms below it, and thereby diminish their value when they came to be sold. The above were the principles and steps under which I was proceeding to get rid of the bad effects of the Government Farm under Mr. Hart, but I had previously consulted the Assistant Commissary General on the Frontier, as well as the head of that department at Cape Town, and they both distinctly and confidently told me that in the then tranquil state of the Frontier, with so many new hands, and with the old farmers who had returned, there was no doubt whatever of their being able to feed the troops on the Frontier *by Contract* made by fair competition in the Market. I conceive it to be the bounden duty of a Governor to put down so injurious a monopoly, moreover to continue to bind the Commissariat to buy the produce of that farm, either by direct or by indirect means, is to violate a very strict regulation of His Majesty's Treasury, which enjoins that Department, on all occasions, to go into the open market, and make its contracts by sealed tenders. The Colonial Government is now the Monopolist,

and the excess of profit, beyond the outgoings of the Farm (and these profits in good years are considerable from the ready money and high prices of the Commissariat) is paid into the Colonial Treasury, and thus the expenditure of the Military Commissariat, instead of diffusing its alimentary and invigorating benefits over a whole district, is remitted to Cape Town, and is lost in the general Treasury, where to be sure it makes an item of credit, but one very disproportionate to the mischief done to a distant province by such a draining.

No. 11. Capt. F. Moresby R.N. I have at No. 10, (in the other parcel of papers) explained the grounds on which I made a grant of a small building lot to this officer, to whom the Colony, and the settlers in particular, were under such obligations at the time for the aid he and the Ship's Company of H.M.S. *Menai* afforded the latter on their landing. The small grant, now before me, was made as an appendage to the building lot on Captain Moresby's representing to me that he intended to settle one of his brothers there. To induce such a respectable class of persons to go to the Colony to settle appeared to me a sufficient justification of such grants, and in making them I was only following up in detail the general principles acted on in a larger way in regard to settlers sent out by His Majesty's Government. The term used in the Remark after this item is "*By Special Order*" without Report, by which I apprehend nothing more can be meant than "Verbal Order" explained fully above.

No. 12 to No. 17 inclusive. Besides the term by "Special Order," the Remark on all these is, "Regulations for granting Government Lands disregarded." I have so fully explained, before, what these Regulations were, and shewn that nothing essential had ever been omitted by me, that I need not go over that subject again. I shall merely repeat that all these small grants were made while I was on the spot, with the ground under my feet, and the map in my hand. The original map I have in London with all my local annotations on it, in pencil, by myself. No. 15 is to Mr. Burnett, a Lieutenant in the Navy. He brought above £1000 with him as an independent settler, with an order from Earl Bathurst that he should be located according to his means. I was always glad to settle and establish gentlemen, particularly officers of the Navy and Army on Half Pay, in the remote district of Albany, so as to generate, by degrees, a sort of

aristocracy or intermediate class between the Government and the labourers. I do not imagine that any further explanation or justification of such grants can be necessary.

No. 18. W. Read. The Remark adds "a similar lot purchased by the grantee at auction for 615 Rixdollars," but the writer forgets to state that the grantee purchased this lot at Port Elizabeth *after* I had enhanced the value of building lots there by the means detailed in my observations on grants No. 4 to No. 11, and No. 26 to No. 45, in the other Parcel of Papers, with reference to Sir J. Cradock's regulations in 1813. Mr. W. Read was a settler with some capital and much industry. I first of all *gave* him a building lot at Port Elizabeth, at the rate established by Sir J. Cradock, but when he saw that place rising and flourishing as it so soon did, under the regulations I had established, Mr. Read paid 615 Rixds. (about £55) for a building lot, which on the first arrival of the settlers was worth little or nothing. The writer here again bears ample testimony, by a fact, to the success of my measures at Port Elizabeth.

Nos. 19, 20, and 21. I have no recollection whatever of the grounds on which these grants were made, probably for past services. I observe the names to be those of persons long settled in the Colony, the first, J. Niekerk, is a respectable colonist, and his family, three or four brothers, all men of property, served formerly with great credit and effect against the Kaffers, and were particularly recommended to me by Colonel Graham.

No. 22. To J. H. Fischer, Esq., about 2,800 acres. Mr. Fischer was Landdrost of Tulbagh, old and infirm, and after above 40 years public service, he told me when I was at Tulbagh that he must retire. He afterwards asked for this land as some provision in his old age. The Remark says that I made this grant "without report." Mr. Fischer was himself the Landdrost, and to refer his own Memorial to himself for Report would be to refer it "*ab eodem in eundem*." I was, myself, well acquainted with the nature and situation of the land, and, I was surprized at Mr. Fischer's being so easily satisfied with a few hundred acres of poor land, in the cold and miserable district of the Bokkeveld, many hundred feet above the level of the sea. At the time I recollect regretting that he had not been able to find anything better to ask for. I find that he has since been removed from his Drostdy, and I only

hope that some additional means of subsistence had been granted to him.

No. 23. O. M. Bergh, Esqr. This was the Deputy Landdrost of Tulbagh, a person wholly unfit for his Station, from age, infirmity, and mental weakness. He had served near 40 years. I could not leave Mr. Bergh to starve, when he was no longer able to work. This grant was made as a mere subsistence to an old worn-out public servant; it saved a pecuniary compensation, which the Colony was not able to afford.

No. 24 down to the last item No. 41. J. Jones, Esqre., &c., &c. These grants are all at, or near Bathurst. The chief "Remark" made on them all is that they were made by "Verbal Orders." I have so fully explained the import of this term at No. 1 of this parcel of papers, and in the preceding sheets generally, that any repetition here is unnecessary. But here, while in the very act of establishing a new Colony and town, to refer every individual grant to a Landdrost for Report would have been impossible had I been absurd enough to attempt it. I was on the spot, and my whole efforts were directed to the locating and consolidating of the settlers by every direct and collateral means. Had I sacrificed this, the essential, to a mere formal process, and had I refused to make these grants to applicants while I was present myself, in order to have a Landdrost's Report sent after me to Cape Town, whereby I should be trusting to his eyes and judgment instead of to my own, and have kept the applicants waiting with their hands before them for several months, and thereby losing the whole season, (for in the heavy rains and dry months no work can be done), I should certainly have been a very unfaithful and inefficient servant to the public. In fact, to comply with the form in question was, as I have said above, quite impossible from circumstances, but, had it been possible, my duty was to act *at once* and efficiently in a new settlement, and not trifle with the charge consigned to me nor with the interests of several thousand people to run after mere matters of form. The number of grants here cited (between Nos. 24 and 41) does not amount, probably, to one fourth, perhaps not to one tenth, of the grants ordered by me for the Settlers, in the manner stated in the Remark, viz. "by verbal order and without Report," nor is it easy to conjecture with what view to the public good the particular grants before me have been alone selected.

Where any particular explanation may be necessary of any of the above cited grants, viz. between 24 and 41, I shall proceed to give it

Nos. 24 and 26 were two separate grants for two small portions of land adjoining each other in Albany, made to the Landdrost, Major Jones. This gentleman, whose name has been more than once brought by me favorably before Earl Bathurst, entered into all my plans and anxieties for the effectual settlement of the district under his charge, and he asked me for some land on which to set an example of farming, and on which he intended to build a house. I was materially benefiting the new settlement by bringing into it such a capital as Major Jones was disposed to lay out in improvement, and part of which he actually did lay out. His sudden removal has put a stop to those improvements. In regard to the mere circumstance of granting lands to the Landdrost, it has universally been done, and the two landdrosts of the adjoining districts have had large grants from successive governors, with which the grant to Major Jones will bear no comparison either in extent or terms.

No. 25. J. Godwin. This was a settler of respectability and with some capital, and who must have given me some satisfactory proof that he had the means of cultivating the small grant I made him, but I do not recollect the particulars.

Nos. 27, 28, 29, 33 and 34. These were mere building lots of a few yards square each, granted to officers of the Cape Corps, to enable them to build dwellings on. My object was to save the public the expense of erecting officers' barracks on the Frontier; and I was glad, on that account, to encourage these officers to build. Their building and making gardens not only improved the place, but this expenditure of capital was highly beneficial to the Settlers.

Nos. 30, 31, and 35. To Settlers, and I think I recollect that these men were mechanics, who wanted building ground for their shops. To the best of my recollection a small sum was paid to Government for each of the above small lots, 8 in number.

No. 32. Duncan Campbell. This gentleman is a half-pay captain, and one of the most respectable of the settlers by birth, rank, and education. I appointed him one of the special Heemraden, and he executed the duties of that office entirely to my satisfaction, and in a most honorable manner. I hear that the

office has since been done away. On Captain Campbell's undertaking to bring out several of his family, and fully to occupy and cultivate a large farm, I made him the grant here specified at a *nominal* quit rent. When land is granted to a public functionary, and particularly uncleared land which requires a considerable disbursement and two or three years labour before any return can be looked for, it is not usual to load it with a heavy Quit Rent, but my belief is that if the grant made to Captain Campbell were to be now assessed by an *impartial* Commission, the Quit Rent would not be fixed at a much higher rate than is here named, viz. 40 Rds., but my principle was to afford every encouragement to the new settlers, to leave all their capital and resources available for improvements, and on no account to attempt to draw money from their pockets prematurely by public imposts; for every pound sterling so prematurely drawn from them would, in my opinion, in the event generate a loss to the Colony of ten times that amount. I wished to let the colonists alone, as much as possible, at first, to leave them to take root, and then ultimately to make them pay their due quota to the public Fisc by *indirect* Taxation. I beg leave to recommend Captain Campbell to Earl Bathurst's protection; but I regret to hear that he has, since the commencement of the year, discontinued his improvements.

No. 37. Captain Trappes. This officer had been very useful in first establishing the Settlers near Bathurst; and where he did the duties of chief civil magistrate for some time, much to my satisfaction. Instead of giving him a pecuniary compensation for his extra expenses, beyond a moderate salary, I granted to him this land, which he immediately set about bringing into cultivation. Lord Charles Somerset seems also to hold Captain Trappes in estimation, as he has lately appointed him Landdrost to the district of Tulbagh.

No. 38. Major Pigot. This gentleman was formerly a field officer of Cavalry, and was in every way entitled to my encouragement and support. He has expended above £3000 in settling himself in Albany; and no account I could draw up could convey to Earl Bathurst an adequate idea of the activity and exertion of this gentleman. Him also I appointed a special Heemraad, as I had done Captain Campbell, but I understand that he too no longer has that office. I beg to be allowed to recommend Major

Pigot especially to Earl Bathurst's protection. He is deserving of it in every way as a settler, and is most respectably connected in England. The small grant here alluded to is of about 90 acres only, and the fee simple not worth £10 sterling, but I intended to have extended it considerably had I remained another year at the Cape of Good Hope. I have reason to apprehend that both this very respectable gentleman and Captain Campbell have discontinued their exertions and disbursements from the alarm and uncertainty into which they have been thrown by some late Regulations and changes, particularly by the extinction of the Town of Bathurst and all the arrangements connected with that once rising Town, and by the destruction of Fredericksburg which I had established near the Beka River, and which they considered, as it was intended by me to be, their best defence against the Kaffers. These events, added to some changes in the military cordon and system of defence which I had successfully followed for two years, during which not one Kaffer entered the Colony in hostility, have produced a considerable sensation in Albany; and the late rising Town of Bathurst is described to me, most feelingly, in a letter before me, as being "like a village after a siege, all the houses tumbling down, we fear never to rise again, for the enthusiasm of the people is quite checked."

No. 39. W. Austen. This gentleman has been many years in the Colony, and is thoroughly master of its best mode of agriculture, in which he has been a long time largely engaged. To establish such an agriculturist in the midst of the Settlers was to hold out to them a daily practical lesson by which to profit. The progress he made in one year both in building and agriculture was wonderful. The last time I was on the frontier I found his farm well stocked and ploughed, and looking like a garden, with three dwellings on it. He called it "Tyger Fountain," from his having roused three of those animals at the spring when he first went to take possession of his grant, and such was the change wrought on this savage spot by Mr. Austen's industry in about 20 months; but I have reason to apprehend that Mr. Austen has also been checked by some circumstances which have appeared to him to be discouraging. I trust that the reasons I have given for making this grant to Mr. Austen, and the use he made of it, will be satisfactory to Earl Bathurst.

No. 40. To Captain Trappes. Explained at No. 37.

No. 41. To Mr. H. Nourse. I have before at No. 61* explained the grounds on which I had made other grants to Mr. Nourse, and

* in the first series
of remarks vide
Mr. Nourse's name
at No. 61.

I respectfully recommend that Mr. Nourse should continue to be encouraged by such farther grants as may enable him to carry into effect his extensive agricultural and commercial plans. He is a valuable acquisition to the

Colony. It is satisfactory to me to see the Remark at No. 41 conclude by saying that the building lots had risen at Graham's Town to the value of 1000 and 2000 Rds. This is one of the strongest facts that could be adduced in favour of my general arrangements on the Frontier, for when I first went thither nobody would give above 200 Rds. for one of these lots, but by the encouragement I held out, by giving some lots gratis, and others at a low value to persons who would set the example and build at once at Graham's Town, Bathurst, and Port Elizabeth, the stimulus was given, and before I left the Colony I had the satisfaction of seeing building lots at all these places rise considerably in value, to the great benefit of the Colonial Treasury. Had Bathurst and Port Elizabeth continued to prosper, and to reciprocate their benefits with each other, there is no calculating to what an extent property in their vicinity might have increased in value, and the superiority those places had, in point of climate, over Cape Town, would have made them the resort of strangers, particularly of invalids from India, for whose accommodation I had set apart two good building lots at Bathurst, and on which I had every reason to expect gentlemen from India would have built had Bathurst continued to exist as a Town. It is superfluous to say anything of the vivifying effect the money spent by those Asiatic Invalids would have had on the new settlement. I had engaged one of the members of the Supreme Council of Bengal warmly in the interests of Bathurst and Port Elizabeth, and I had written to many friends and correspondents in India, as others also did, recommending the air and climate of these two rising towns.

I have now gone through the whole of the 112 grants of land on which remarks have been made. There is not one of these to which my recollection has enabled me to afford an explanation which I would not grant over again under similar circumstances. The arrangements made by me in Albany for the encouragement of building and commerce were attended with results which went

beyond my expectations, and had the principles and regulations laid down by me remained and been followed up, I have no doubt but, in spite of the two seasons of blight, the views of His Majesty's Government would have been fully answered by the consolidation and prosperity of the new Settlers in Albany.

My views and objects were,

1st, by proper and well chosen grants of land to persons of property, enterprize, and industry, to raise a sort of aristocracy or gentry who might lead and encourage the labouring classes by their efforts and example, and who should form the intermediate and necessary link between the Government and those who earned their daily bread.

2ndly, by my foundation of the Town of Bathurst to establish a central point of meeting for the new settlers, for the dispensing of justice, for the establishment of a weekly market, and for the general purposes of commerce and barter, and with Bathurst and its prosperity were intimately connected the navigation of the Kowie and the Colonial Coasting Trade.

3rdly, to cover the Town of Bathurst and the majority of the new locations by the fortified village of Fredericksburg, which was done without any expense whatever to the Public, and with complete success.

4thly, to secure a friendly intercourse with the Kaffers by means of a periodical fair, so that the settlers might easily and safely communicate with them on the frontiers of the Kaffer Country under certain Regulations, civil and military, which I drew up, so that the Kaffers should get trinkets, clothes, cutlery, &c. from our settlers, to whom they would give oxen in return, and probably in a little time elephant's teeth and other products of the interior. To transform the Kaffers from a thieving nation into a commercial one was the object I had here in view, and for which I had laid the foundations.

5thly, to establish an *unpaid* Magistracy, a thing never tried in the Colony, by appointing *Special Heemraden*, with powers analogous to those of English Justices of the Peace, and the gentlemen I chose, by their zeal and active superintendence, fully justified the arrangement, and proved to me that unpaid public officers might be found and be usefully employed in that Colony.

6thly, and above all to give vigour, effect, and unity of action

to the whole, by uniting the civil and military authorities in the hands of one person.

The above were the views and the objects with reference to which all my grants of land and other arrangements were made, whether wisely or no it is not for me to say. I have not made any of the Statements or Remarks in the foregoing Sheets in censure of another, but in explanation and justification of my own line of conduct. It would be both malevolent and presumptuous in me to set myself up gratuitously as a censor, and I have endeavoured carefully to avoid every expression in this voluminous statement which could bear a vituperative construction, or which did not point directly in the way of explanation or answer to the "Remarks" of the papers before me.

If I have erred, the error has been in the judgment, and not in the intention. I will boldly and distinctly say that no one act of my administration of the affairs of the Cape of Good Hope originated from any other source than an ardent wish on my part to promote the welfare of that Colony. I had no other objects to achieve, no other pursuits in view. Thrown by accident into an honorable, and from circumstances, an arduous situation, it became my particular duty to justify the choice which that accident had caused to be made of me. I had no personal influence in England, no powerful advocates or strong family interest to palliate or apologize for my errors if I fell into any, but this never gave me one moment's uneasiness. I felt conscious of the rectitude of my own intentions on the one hand, and quite sure of every fair and necessary support from Earl Bathurst on the other. I acted confidently, because I knew I was acting honestly; and if I had not felt strong in the consciousness that that one principle had pervaded the whole and every act of my administration, I never could have encountered the papers before me as I have done, nor have answered them, while on a journey, and nearly as fast as my pen could write, without one document at hand to help me, or anything but that sustaining consciousness and my memory to trust to.

(Signed) R. S. DONKIN.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 30th September 1822.

MY LORD,—I am directed by Earl Bathurst to transmit to your Lordship the accompanying copy of a note from the Baron Fagel stating that he had been instructed to obtain Information respecting the Death of Jacques Zacharias Bergeon, a Soldier belonging to a Regiment of Dutch Jagers, who went to the Cape of Good Hope in the year 1802; and I have received his Lordship's directions to request that the necessary enquiries may be instituted, and that your Lordship would be good enough to cause the result to be transmitted to the Colonial Office in order that a Communication on the subject may be made to the Baron Fagel.

I have &c.

(Signed) R. WILMOT.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 30th September 1822.

MY LORD,—By reference to a Dispatch of mine of the 20th of May 1820 addressed to Major General Sir Rufane Donkin at that time holding the Government of the Cape, your Lordship will find that it was directed in obedience to the Commands of His Majesty that it should be made a special condition of the several Grants of Land in the new Districts therein specified, that the Lands so granted should be cultivated by free Labourers alone, and that any employment of Slaves upon them should render the Lands subject to forfeiture. I have to request your Lordship will immediately report to me whether such conditions have been uniformly prescribed in all cases of new grants, and whether in fact the restriction has operated against the employment of

Domestic as well as Predial Slaves; as upon receipt of that information, I may be enabled to decide whether it will not be expedient to direct that for the future the Interdiction should be extended to any employment of Slaves upon the most general sense upon any fresh Grants of Land in the new District, whether of larger or smaller size, or whether intended for cultivation or mere purposes of occupancy and habitation, and I have therefore to request that your Lordship would furnish me with the fullest Information upon the subject. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *October 1st 1822.*

MY DEAR LORD,—By the ship which takes this letter Mr. William Parker returns to England, and he has urged me much to give him a letter to your Lordship to introduce him, which I could not deny him, and it is probable that he will present it to your Lordship very shortly after you shall have received this. Your Lordship has heard much of this Mr. Parker; and as I am aware that he will be extremely importunate and troublesome to your Lordship upon his own affairs, I feel it an attention I owe to your Lordship to give you my ideas respecting him. He is of a disposition and turn of mind less calculated for the undertaking of emigration than any one I ever saw: speculative beyond measure; flighty in his ideas, and sanguine in every thing that presents itself to his mind; prone to consider public measures erroneous; and perfectly enthusiastic in the cause of protestantism. I wish entirely to withhold my opinion of the manner in which he has been dealt with here, further than to say that the location to which he was sent on his first arrival here was not, in my opinion, adequate to or fit for the location of such a number of families. This circumstance laid the ground-work of his discontent; and he has, as your Lordship knows, if you have looked at all into the voluminous papers he has transmitted to your office, been most

vehement against those who were supposed to have had any concern in his first destination. As I was absent at the time, and as the whole subject was transmitted officially to your Lordship, I have gladly availed myself of those circumstances not to enter into it with Mr. Parker; but I own I am not sorry for his departure from hence. If I might presume to offer my advice, it would be that your Lordship should give him a hearing, and when you decide on his case, let him be aware that your decision is final. If you do not hear him he will cause your Lordship interminable trouble, he is so fond of his pen, and at the same time so restless in his mind and disposition. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by the ancient Law and Usage of this Settlement, all Male Inhabitants, between the ages of 16 and 60, are to be enrolled in their respective Districts, with the view to their being called out to serve on "Commandos," whenever the exigency of the District, or the general service of the Colony, shall require it; and all persons having attained the age of 16 years, who shall come to reside in this Colony, are bound by the existing Regulations to cause themselves to be enrolled at the Office of the Landdrost of the District in which they shall take up their abode, within six weeks after they shall have so established their domicile:—and, whereas the exposed situation of the Albany District, has appeared to me to render it expedient, that the Inhabitants who have lately taken up their abode therein, should not only be enrolled as aforesaid, but that, for their own protection and security, a more systematic form should be given to the general enrolment, with the view of enabling the Landdrost of the District to avail himself of their combined aid in the most efficient manner. These are, therefore, to require the Landdrost of the Albany District aforesaid, to cause a select proportion of the aforesaid Inhabitants to be enrolled, armed, and supplied with a due quantity of ammunition,

under such Restrictions and Regulations as shall meet my further approval; that is, that he cause to be enrolled one Troop, of not less than *fifty* mounted Inhabitants of Graham's Town, and its Vicinity, and one Troop of not less than *fifty* mounted Inhabitants of Bathurst, and its Vicinity;—together with five Divisions of Infantry, of *one hundred* Men each, in such situations as his local knowledge shall deem best adapted for the purpose of securing the Country against Caffre Depredations.

A Lieutenant will be appointed to each Troop or Division, for the purpose of mustering, assembling, and leading the Division, as circumstances shall require; and to each Division a proper number of pensioned Serjeants will be attached, for the purpose of training and exercising such Divisions,—which Divisions shall assemble for such training and exercising, at the Alarm Post of the Division, (which each Individual shall be made acquainted with,) or such other Place as may be appointed, once in each Fortnight, on a day to be fixed by the Landdrost aforesaid, and to continue so to assemble once in each Fortnight, so long as it shall be deemed expedient. And in order to accustom the Divisions to act together, the Landdrost shall cause them to assemble once in each Month, at a Place of General Muster, to be fixed as aforesaid; and he shall appoint an Adjutant to the Corps, to assist him in these duties. The Landdrost shall, at the first General Muster, cause the following Oath of Allegiance to be taken by each Individual enrolled, viz:—

“I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to His Majesty King George the 4th, and that I will faithfully serve in the (1st or 2nd) Troop, or (1st, 2nd, 3rd, 4th, 5th) Division of the Albany Armed Inhabitants, (called the Albany Levy,) on all Commandos regularly called out by the District Magistrate, or his order.”

“So help me God.”

And it is hereby ordered and directed, that, if any of the Inhabitants, enrolled for this Service, shall neglect or refuse to attend the General Muster, for the purpose of taking the Oath of Allegiance aforesaid, without assigning just cause for such absence, he shall be liable to pay to the District Treasury, a Fine, not exceeding the sum of Fifty Rix-dollars, which Fine shall be recoverable in the Court of Landdrost and Heemraden; and in

default of payment thereof, the Defaulter shall be liable to Imprisonment for one Calendar Month. And it is hereby further ordered, that in case any Individual shall neglect to attend any assembly of his Troop, Division, or Detachment, for which he shall have been regularly warned, he shall be liable to any Fine, not exceeding 30 Rds. to be sued for and recovered as aforesaid. And it is hereby further ordered, that the Landdrost, seeing occasion thereto, shall be authorised, (as has hitherto been usual,) to place the aforesaid armed Inhabitants under the command, for such Period as may be deemed necessary, of any Military Officer, belonging to the Forces stationed on the Frontier; and in all cases in which the aforesaid armed Inhabitants, or any part thereof, shall be called out for actual Service, all Persons serving therein shall be subjected to all the Provisions contained in the Act of Parliament then in force, for the prevention of Mutiny and Desertion, and of the Articles of War, made in pursuance thereof.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 4th day of October, 1822.

(Signed) C. H. SOMERSET.

[Copy.]

*Extract from a Letter from the REVEREND W. R. THOMSON
to the COLONIAL SECRETARY.*

CHUMIE, 5th October 1822.

The population of the place may be divided into two classes: the pure Kaffers who have never mixed with the Hottentots or lived with Dutch Farmers, and the Bastard Hottentots or Gonaquas born in Kafferland, but occasionally residing in the Colony. I understand it was very common a few years ago, for persons of the latter class to hire themselves to Farmers in the Colony, and afterwards to return to Kafferland at the expiration

of their agreement. Nearly the whole of the Gonaquas resident here have been in this situation at one time or other, but at the time they joined the Institution after Mr. Brownlee's Settlement, were living, and had been so, some longer and some shorter, among the Kaffers. The general period might be stated however, about the time that a Proclamation was issued prohibiting all persons on the Frontier from retaining people of this description in their Service. This took place, as near as I can judge, about February or March 1820. At that time a party of Farmers collected several Individuals of this class (who now live here) intending to convey them to Graham's Town, but they eloped from them during the night and fled to their friends in Kafferland. Of this circumstance I understand Mr. Brownlee made a personal communication to Sir Rufane Shawe Donkin. For these no demand was ever made, though their being resident here afterwards was known to their former employers also.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 7th October 1822.

SIR,—By the Proclamation issued on Saturday last, you will perceive that His Excellency the Governor has approved and given effect to your Plan for embodying a proportion of the Inhabitants of the Albany District with the view to enabling them more effectually to resist the Caffre incursions and put a stop to their Robberies. The details which you have gone into in your Letter of the 16th of last month appear to His Excellency to be judicious, and he consequently approves them; but as they are measures mostly local, and some which appear to be necessary that you should concert with the Officer commanding on the Frontier upon, for instance in respect to Telegraph Signals, His Excellency has not found it expedient to do more than thus advert to them, leaving the arrangements to your discretion. The Arms for the Infantry will be sent up by the *Locust*. His Excellency is under the impression that the Carbine is the best arm for the

Cavalry, and that swords are not calculated for the operations which they will be called upon to effect. I have &c.

(Signed) C. BIRD.

[Copy.]

*Extracts from the Proceedings of the Landdrost and
Heemraden of Tulbagh.*

Monday, 7th October 1822.

The Landdrost thereupon stated to the Board, that Government appeared to be desirous to know what would be probably required towards Erecting of the Drostdy and other Public Buildings at Worcester, that although he was convinced it would be impossible for Landdrost and Heemraden to make any exact Calculation thereof, it however would not be so very difficult to point out the means which this District has within itself, and from which, if not the whole, at least the greatest part of the expence could be defrayed. That in the meantime it should not be forgotten that this Drostdy, which His Excellency has been now graciously pleased to direct shall be sold for the profit of the District, was erected entirely at the expense of the Government Treasury, without the Inhabitants having been obliged to contribute a single Stiver thereto. That Government has the generosity besides, to resign to the District for the abovementioned purpose, under certain Conditions, if not the whole, certainly the greatest part of the proceeds of the Building Allotments (Erfs) already sold at Worcester, as well as of those which are about to be disposed of there, that he being also willing on his part to contribute as much as in his power for the same purpose, has resolved to give up the grazing place situated at the other side of the Witzenberg, and to have it sold on behalf of the District. That he therefore trusted, that having now shewn the great Sacrifices Government had already made, and were still willing to make, the Heemraden would not hesitate a moment unanimously to agree that the Inhabitants of this District, who have hitherto been obliged to give up so little, in comparison with the Inhabitants of the other districts, ought to come forward Voluntarily on the

present Occasion to contribute something towards defraying the abovementioned necessary expense. That for this purpose he should point out a means which in his opinion would be found to be the least oppressive, and which should consist in a Tax on all Slaves during the Three ensuing Years, through which the Revenue of the District would be encreased about Rds. 5000 per annum, and whereby one would be enabled to contribute yearly Rds. 10,000 from the District Treasury to meet the expence required. That in the fullest Confidence, that all the Members would consent to this proposal, he had already made out a Sketch of a Calculation of the funds which could be found for the above-mentioned purpose, which Sketch being laid on the Table, was of the following tenor:

Estimate of the Sums which it is calculated can be raised in the District of Tulbagh to meet the Expenses of the New Establishment at Worcester.

	Cape Guilders
District Chest, annually Rds. 10,000 for Three successive Years	90,000
Proceeds of the Sale of the Old Drostdy and Lands at Tulbagh estimated at	50,000
Proceeds of the Sale of the Cattle Place at Witzenberg, estimated at	20,000
Do. of 89 Erven already Sold at Worcester	77,952
Do. of 55 Erven not yet Sold estimated at	60,000
	<hr/>
Total Guilders	297,952

All of which being taken into consideration, and approved of by the Board, it was resolved that the said Sketch exhibited by the Landdrost should be forwarded forthwith to the Governor and Commander in Chief, while His Excellency shall be further requested to permit the Landdrost and Heemraden to levy at the general *Opgaaf*, in this Province during the Ensuing three Years, a Tax of Two Rix Dollars on each Male and One Rix Dollar on each Female Slave above 14 years old, and four Skillings on each Male or female Slave under said age.

A true extract.

(Signed) P. POGGENPOEL, Secretary.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to*
LORD CHARLES SOMERSET.

DOWNING STREET, 10th October 1822.

MY LORD,—This letter will be delivered to your Lordship by Mr. John Gottlieb Bonatz, a Missionary of the United Brethren, who is returning to the Cape of Good Hope to resume his Employment in the Service of that Society, and I am directed by Earl Bathurst to recommend this Gentleman to your Lordship's protection and good offices. I have &c.

(Signed) R. WILMOT.

[Copy.]

*Letter from the Landdrost and Heemraden of Tulbagh to the
Colonial Secretary.*

WORCESTER, 11th October 1822.

SIR,—Although we have it not in our power to present to you, for His Excellency the Governor's information, a true estimate of all the expense which will be absolutely required for the New Establishment at Worcester, yet we are happy in being able to transmit herewith a Statement of the Funds which we calculate may be raised in the District in order to meet that expense.

At the same time having considered that the Inhabitants of this District should on the present occasion step forward to contribute something towards defraying those Expenses, we humbly propose that His Excellency the Governor may be pleased to authorize our levying at the ensuing Opgaaf upon the Inhabitants of this District a Tax of Two Rixdollars for every Male and One Rixdollar for every Female Slave above 14 years of age, as also Four Skillings for every Male or Female Slave under that age, and that this Tax may be continued for three successive years. Should this our proposal meet His Excellency's approbation, we have every reason to believe, that with the Revenue

arising therefrom, together with the resources we already have taken the liberty of exhibiting in the enclosed Estimate, added to the aid we flatter ourselves we may safely hope for from Government, we shall be enabled fairly to meet all the expences above alluded to. We have &c.

(Signed) C. TRAPPES, Landdrost.

By order of Landdrost and Heemraden.

(Signed) D. KUYS, Secretary.

[Enclosure.]

Estimate of the Sums which it is calculated can be raised in the District of Tulbagh to meet the Expenses of the New Establishment at Worcester:

	Cape Guilders
District Chest annually at Rds. 10,000 for three successive years	90,000
Proceeds of the Sale of the Old Drostdy and Lands at Tulbagh, estimated at	50,000
Proceeds of the Sale of the Cattle place at the Witzenberg, estimated at	20,000
„ of 89 Erven already sold at Worcester	77,952
„ of 55 Erven not yet sold, estimated at	60,000

Total Cape Guilders 297,952

WORCESTER, 11th October 1822.

(Signed) C. TRAPPES, Landdrost.

By order of Landdrost and Heemraden.

(Signed) D. KUYS, Secretary.

[Copy.]

Letter from the Landdrost and Heemraden of Tulbagh to the Colonial Secretary.

WORCESTER, 11 October 1822.

SIR,—We feel it incumbent upon us to state for His Excellency the Governor's information, that altho' due notice was given to

the Inhabitants of this District, no application has as yet been made for any pecuniary assistance from the Fund His Excellency was graciously pleased to leave at the disposal of our Board for the purpose of being distributed among such Individuals as might have had the misfortune of having suffered materially in their Buildings or Premises from the late violent Storms, except by a very few, who either could not give the necessary security, or declined accepting the offered aid upon the conditions and under the Regulations which it had been found necessary should be adhered to by us in making the aforesaid distribution.

And whereas we have every reason to doubt whether any further application for the relief above alluded to will be made to us, we respectfully beg leave to request His Excellency the Governor may be pleased to prescribe the measure to be adopted by us with regard to the Thirty Thousand Rixdollars issued to us for the above purpose, should the whole or any part thereof not be disposed of according to the benevolent intention of His Majesty's Government at the end of the present month. We have &c.

(Signed) C. TRAPPES, Landdrost.

By order of Landdrost and Heemraden.

(Signed) D. KUYSS, Secretary.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 11th October 1822.

SIR,—Referring to my letter of the 7th Instant relative to the embodying of a proportion of the Inhabitants of the Albany District with a view to enabling them more effectually to resist the Caffre incursions and put a stop to their robberies, I am now directed to acquaint you that His Excellency the Governor has been pleased to grant you a Salary of Rds. 2000 per annum, and Forage for four Horses as Commandant of the Levy, that the Adjutant will be allowed a Salary of Rds. 360, and forage for two

horses, and that the Lieutenants of Divisions will receive the same remuneration as the Field Cornets in your District.

I have &c.

(Signed) C. BIRD.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 15th October 1822.

MY LORD,—The frequent depredations and outrages recently and for some time past committed by the Kaffir People upon the Inhabitants lately located in the District of Albany have rendered it imperative on me to establish for them some organized System of self-defence, and to avail myself of their combined aid in the most efficient manner for their protection and security. I therefore directed the Landdrost of the Albany District (H. Rivers, Esq.) to furnish me with such information and suggestions upon this subject as would enable me to effect this measure in the manner most consonant with the feelings, the wishes, the qualifications and the capabilities of the different Classes of which that Community is composed. I should be unjust if I did not confess to your Lordship that I am much indebted to Mr. Rivers for the perspicuity and intelligence with which he performed this Duty, and I have in consequence required him to cause a select proportion of the Inhabitants of Albany to be enrolled under the regulations detailed in the enclosed Copy of my Proclamation on this head.

The Duties which will be thrown on particular persons in carrying this measure into effect necessarily create some expense, and being averse to increasing the Difficulties which disastrous Seasons and the large Expenses which daily arise in erecting the requisite public Buildings, and forming Establishments necessary for the well doing of the English Settlers, have brought on our Finances, I have felt it my Duty to meet the Expenses of it by a reduction of some part of our Establishment not so positively necessary as the one proposed. I have therefore abolished the

Deputy Drostdies of Caledon and Worcester (removing the chief seat of Magistracy from Tulbagh to the latter more eligible spot), by which measure an annual saving of 6020 Rds. will be made, which will more than cover the Expense of the Albany Levy consisting in the following items:—

A Commandant at an annual Salary of 2000 Rds. and forage for effective horses not exceeding four,

An Adjutant at 360 Rds. and forage for effective horses not exceeding two,

7 Lieuts. of Divisions at the same annual amount of remuneration as the Field Cornets of the Frontier Districts, viz. 200 Rds. each, for which I beg to solicit your Lordship's sanction.

I scarcely need point out to your Lordship that a case in which the security of His Majesty's Possessions and the personal safety of his subjects are involved admits of no Delay, which will amply excuse me I trust in your Lordship's mind for adopting a measure of this nature without your previous sanction, which in all cases of less immediate pressure I shall never fail to solicit. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 16th October 1822.

SIR,—His Excellency the Governor has directed me to transmit to you the enclosed Copy of a Memorial from John Fournier, a Settler, complaining of an encroachment by Mr. Shaw on his location, and praying that the arrangements made in presence of the late deputy Landdrost may be conformed to, for your report thereon. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from MR. CHARLES D'ESCURY to the COLONIAL SECRETARY.

CAPE TOWN, 17th October 1822.

SIR,—Mr. Stoll having returned from his journey informed me that in endeavouring to complete the arrangements respecting the Boundaries between the Government Farms Bonteberg and Alexandersfontyn considerable objections were made by the occupier of the latter place, who says to be prepared to produce evidence to prove that the extent to which he lays claim has always been so used by former occupiers, and that thence on taking the Farm at the rent he pays for it he contemplated the now disputed extent to be included, wherefore he has expressed his intention to Mr. Stoll forthwith to petition His Excellency to take the circumstance into consideration, for which reason then the intended Grant lies over until His Excellency shall have decided upon it.

I shall avail myself, Sir, of this interval, which appears particularly favourable for it, to take the liberty of submitting a consideration which within these few days has occurred to me on the subject of this grant, and which the more I have reflected upon the more important it appears: I mean the case pending between Jacob van Renen, Jac's Son, and William Proctor respecting a claim of the former to the moiety of the Lease on that farm until the year 1832, with which claim the Government is acquainted, since by a reply to a Memorial presented by Van Renen, setting forth this claim, he *was shewn to the Courts of Law for redress*. Query then, Can this Grant now be made, which, if done, might be considered as prejudging the decision; it would at all events have the effect of disturbing the state of the case, *while at issue*, in a manner to affect the interests of the Claimant, and would this not cause it to be animadverted upon in an unpleasant manner, were the case, if prosecuted, taken home? Which while I feel the apprehension of it on my mind, I feel it also my duty to submit the suggestion to the most enlightened consideration of Government.

It is very true that the proposed Grant on Perpetual Quitrent, is to take effect only at the expiration of the present Lease, but which has already been prolonged to Mr. Proctor so as not to

expire before the year 1844, a period so very distant, that the benefit expected from it must have a view to much earlier operations, and must therefore have an effect upon the pending question, and certainly become a greater obstacle to an amicable adjustment.

I have now looked attentively into this case, with which I was before but very imperfectly acquainted. It strikes me to be one of uncommon strength on the side of the claimant, and quite the reverse on the other; and it is to me evident that had the whole of the case been reported upon in its different bearings, the reply given to the Memorial of Van Renen would have been different. I take the liberty to enclose herewith the particulars, thinking them well deserving His Excellency's consideration previous to the Grant passing, with a view that the pending question might be got rid of before the Grant is issued, which appears to me important.

There is an essential omission in the statement that has been before Government, I mean the first Memorial of Mr. Evatt, which unfolds the whole then intended Plans. His motives, his arrangements with the widow Van Renen, the contract to be entered into, the proposed cancelling of the then existing Lease, the concurrence of Government required for it, as the acceding of the Government to the grant of a new Lease to Evatt, was also necessary *first to be ascertained* before the Widow could consent to the giving up of her old Lease, which acceding of Government was signified on the 23rd August 1811, and before the new Lease could be issued, the Widow acted upon the mere promise, for on the very same day it was made she resigned the Lease. The Cooperation of the Government was thence necessary in both these principal and preliminary points, which thus identified, in a manner, the Government with the transaction, and the Documents were then also sent by Government to the proper offices *to be acted upon*. I believe it could be agreed from this, with effect, that the claimant has if I can so call it a double claim to the *protection* of the Government from the very circumstance in which the transaction originated.

I am far from having any reason to be the Advocate of Van Renen, and I can have on the other hand no motive for wishing to occasion any disappointment to Mr. Proctor, but the impression on my mind made by an investigation of this case is such, that

I should not feel myself justified did I not submit the result to His Excellency's better judgment. I have &c.

(Signed) CHAS. D'ESCURY,
Inspector Govt. Lands and Woods.

[Copy.]

*Memorandum by Mr. Charles D'Escury on certain Transactions
respecting the Government Farm Bonteberg.*

It appears from the Records of the Land Revenue Office that the Widow Jacob van Renen, formerly of the Ganzekraal, was in 1811 in possession of a Lease for five years on the Government Farm Bonteberg, the term of which was to expire Ultimo December 1812.

Captain, then Lieutenant, Francis Evatt was about this period desirous of engaging in agricultural pursuits, and for that purpose to obtain the Lease of the said Farm Bonteberg on a prolonged term of years. Preparatory however to his applying for it to Government, it was necessary he should first come to an understanding with the Widow Van Renen, whose Lease was then unexpired. In this Mr. Evatt succeeded, and on the 20th August 1811 he presented a Memorial in which he stated, that being desirous of obtaining a Lease on the said Farm Bonteberg then occupied by the Widow Van Renen, "*the said Widow was willing to give up her Lease and to enter into a Contract with Memorialist relative to her retaining a certain portion of the Land on the said Farm, provided always that it should please His Excellency to approve the prayer of the Memorial,*" consequently making the acquiescence of the Government the condition of her surrendering her Lease! As that Surrender was in like manner immediately connected with her renewed interest in that Farm, on terms to be expressed in a formal Contract, the Government was thus made acquainted with the project formed between the two parties, *and their previous sanction* was required to its taking effect.

That sanction was given not only, but made *conditional upon the surrender of the then existing Lease*. This was evidently so expressed in order for the Government to be satisfied that the

Widow Van Renen was content to give up her Lease as the Memorial had expressed. But the Government were thereby on the other hand also made acquainted with the valuable consideration given by the Widow for the interest she was to obtain in the prolonged Lease on the Farm Bonteberg to be made out for Mr. Evatt.

The Government satisfied, as it would seem, on the subject, instructed the Land Revenue Office by Letter dated 30 August 1811 that said Farm Bonteberg was ceded to Mr. Francis Evatt for the term of Twenty-one years to begin from the 1st September 1811 and to terminate Ultimo August 1832, on paying the annual rent of Rds. 370, the same as had hitherto been paid by the Widow Van Renen.

On the 23rd of August it has been shewn the decision of Government was dated. On that very day was dated also the Contract entered into between the Widow Van Renen and Mr. Evatt alluded to in his Memorial.

The Contract after the usual preamble goes on to state that the appearer on the one part (the Widow Van Renen) *declares in favour and on behalf of the appearer on the other part (Mr. Evatt) to desist from all and every right and title which till that day she had upon the Government Farm Bonteberg*, and the appearer on the other part declares so to accept the said Place under the following conditions:

1. That the appearer on the other part (Mr. Evatt) *shall receive the aforesaid Place from Government on Loan for a term of Twenty-one years.*

2. During which term the joint appearers *shall each pay the half of the rent to Government.*

The Contract then goes on to specify several other conditions, all tending to regulate the joint occupancy of the said Farm, and finally in order to *prevent* that any difference respecting the Contract that might at any time arise between them should involve them in disputes or *Lawsuits*, the Contract expressly provides that the parties having entered into this agreement, *bona fide* (disclaiming every idea of taking an unfair advantage of any kind) should any difference arise between the parties *during the term of this Contract, or after the expiration of the aforesaid term of 21 years*, touching the premises, they shall and will submit such differences to the award of two persons as Arbitrators to be

reciprocally chosen, with the power to appoint an umpire, the appearers binding themselves to abide by such award.

This Contract entered into before G. Buyskes, Esqr., Counsellor at Law and Notary Public, was dated 23rd August 1811, written on a proper stamp, signed in presence of two Witnesses, the Copy signed: Quod Attestor! G. Buyskes, Notary.

There can be no question as to the fair straightforward object and conclusion of this transaction, by which Mr. Evatt was to procure the new Lease of the Farm, while the use of the Land was to be in half partnership between himself and the widow regulated by express provisions. The Widow as an earnest of her sincere intentions, beginning by giving up the remaining unexpired term of her own Lease. This Contract in connection with the original Memorial of Mr. Evatt, then also fully and satisfactorily accounts why the Lease of that Farm was entered at the Land Revenue Office in the name of *Francis Evatt alone* and that the name of the widow was not added to it. Mr. Evatt remained but a few days in possession of the Lease, and made it over to L. M. Greeff, on whose name it was written over on the 3rd September 1811, and thence it comes that this Place has ever stood on the name of *Greeff alone*, subject to the contract entered into between the Widow Van Renen and Mr. Evatt, as clearly appears from Greeff, in his certificate to that effect, and as proved by the Receipts for the moiety of the rents paid by the Widow Van Renen, and subsequently by Jacob Van Renen, her Son, down to May 1818 inclusive.

After a lapse of Eight years, Greeff disposes again on the 24th of August 1819 of his lease to Mr. William Proctor, the present holder, but in like manner *subject to the contract aforesaid*, for Greeff in his certificate just quoted of 12 September 1819, only a few days after the transfer at the Land Revenue Office, expressly and explicitly says to have "*ceded his portion of the Bonteberg to Mr. William Proctor, without however interfering with, or ceding any part of such share as Mr. Jacob Van Renen, J. son, has in the said Place, so that said Mr. Van Renen continues to hold his half share as before.*"

It seems that subsequent to this period some altercation must have taken place between Van Renen and his new associate Proctor, for the next document is a Memorial from said Van Renen dated 4th of September 1820, setting forth, after stating

most of the particulars above alluded to, that after Greeff had again disposed of his share in the farm to Mr. Proctor, and the place having been written over upon the name of Proctor alone, (than which could not be otherwise), the said Proctor availed himself of this circumstance to deny the Memorialist any title or share in the Lease, altho' the documents quoted by him he considers fully to prove the joint interest he has in that Lease, and that Greeff certifies to have disposed of no more than the moiety to said Proctor, acknowledging the right of Memorialist to the other half, the Memorialist praying therefore, that the Lease may be made out and be registered upon his name jointly with Mr. Proctor or such other person as may hold the Lease for the other half.

This Memorial was referred to the Land Revenue Office on the 8th of September 1820, with a Letter from the Colonial Office, desiring the receiver of the Land Revenue to report "*on the accuracy of the Memorialist's allegations.*"

In the absence of Mr. Buissinne, his deputy in compliance with the above directions reported that it appeared to him *that Mr. Van Renen's allegations were correct*, adding that it is solely owing to the *negligence* of Memorialist in not having registered at that office the Contract entered into by the Widow Van Renen and Mr. Evatt, in consequence of which neglect the said Farm was successively transferred without any conditions or restrictions to Greeff, and from him to Proctor.

Upon the Report from the Land Revenue Office a reply was sent to Van Renen's Memorial to the following effect: That on reference to the proper authority it appears that the Lease of the Government Farm Bonteberg has always stood on the single name of L. M. Greeff, His Excellency therefore must refer Memorialist to the Courts of Law for redress in the Premises. This reply therefore rests not on the omission of registering suggested by the Land Revenue Office (to do which is not I believe obligatory by existing regulations) but because the place has always stood in the *name of Greeff alone*.

In this state of urged claim, and of a reference to judicial appeal, the question is now pending, yet as the claim appears to me to rest upon such strong grounds that the result, if the question be brought to trial, determined to follow it up, cannot for a moment be doubtful. Its not having as yet been prosecuted may arise

from temporary considerations, and the prosecution may nevertheless be determined upon unless Van Renen voluntarily renounces the right he seems so unquestionably to hold by virtue of the Notarial Contract before quoted, and whereas were this prosecution to take place *after the Grant* (*for the Grant would of itself be no Bar to the prosecution*) it might place the Government in an unpleasant dilemma, Van Renen *having put the Government in full possession of his claims, admitted by the Land Revenue Office to have been correctly stated, previous to the grant being even contemplated.* It is to prevent such a dilemma (if I view the subject rightly) that I have thought it my duty to draw His Excellency's attention to this subject, before the Grant is finally past, so as to have the pending question previously settled between the parties. If in so doing or if in any of the grounds I shall take the liberty of submitting for His Excellency's consideration I err, or take a wrong view of the question itself, I trust that the motive I have stated will be a sufficient excuse.

I consider the case to be one pending between two parties having equal right to the joint use of the Land on the Government Farm Bonteberg, by virtue of a Legal Contract, correct in all its parts, entered into with the knowledge and concurrence of Government, the provisions of which Contract have been peaceably enjoyed, and the dues resulting from that enjoyment (rents included) regularly satisfied during Eight successive years, that at the end of that period one of the parties made over his share to a stranger, that stranger conceiving that his new partner has been remiss in some minor *forms* (that of not having the Contract above alluded to registered where he *fancied* it should have been done) for that supposed offence denies him his right and wishes to set aside the Contract altogether, so as to have that Land wholly to himself, of which no more than the half had been made over to him. The attacked party applies to Government, produces his claims, supports them by undeniable evidences, feels that if there be an offence of *mere form*, it is an offence against Government, which therefore it is in the breast of the Government to excuse, and to permit being rectified; he solicits only therefore that his name may be added to that Lease, of which the Contract ensured him the moiety of the enjoyment, and for which moiety he had during Eight years already paid to Government his proportionable share of rent, the Government refer his Memorial to the proper

authority to be satisfied whether the allegations therein *contained were correct*, the answer is *that they are correct*, but the Report branching out into some collateral explanation, charges the Memorialist with negligence for not having registered the Contract, and seems to consider as if on this supposed neglect the validity of the Contract depended. A Reply was then sent to the Memorial alledging another ground than that stated by the authority alluded to, for not admitting the prayer contained therein, viz. that the Lease of the Government Farm Bonteberg *having always stood on the single name of Greeff*, the Memorialist is referred to the Courts of Law in the Premises. An awful resort against which the Contract had most expressly secured the parties, by providing that any difference arising should be decided by *arbitration*, well aware that the expenses of Law proceedings are such (and which probably might be the case here) that the most righteous cause were often cheaper to abandon than to defend. So it now stands, and the parties are by Government put at issue, and so long as the Contract is not formally surrendered, but remains extant, so long it may be made the subject of legal prosecution, it may fall into the hands of a person who may be disposed to take it to England, and try the merits of the question before a Jury, a circumstance which appears to me desirable to be avoided.

I think it to be regretted that if any information was intended to be conveyed to Government on this question, it had not been previously more minutely investigated.

There are two points raised in this question, upon which the peaceable enjoyments of the rights purchased by one of the parties (now the complainant) by the surrender of the unexpired period of the first Lease have been disturbed, and the right itself called in question, or even deemed forfeited for some supposed neglect. These points are the *non-registering of the original Contract at the Land Revenue Office*, the other *the appearance of one name only to the Lease*.

As it appears to me that in neither of these points there exists any irregularity or neglect, at least certainly not such as could involve the party in the loss of a legal Title, if placed in their proper light, I shall with respectful submission to His Excellency's better judgement state the facts, such as they appear to me.

With respect to the Contract itself, the concurrence of the

Government to its being formed, by the cancelling of the first Lease, which was necessarily preparatory to it, the certainty required of the Widow's consent therein, the legality of the Contract, the equity of its provisions, all these are well attested facts, which render the Contract itself perfect in all its parts, the immoveable basis upon which the Solidity of the question firmly rests.

The point why the Lease contains only one name, that of L. M. Greeff, has I believe been satisfactorily shewn in the early part of this Memorandum to have been a *natural consequence of the transaction*. Mrs. Van Renen had still her old Lease on the Farm, she did not want to cancel that till she was sure that by Contract she would secure a renewed interest in the prolonged term of a new Lease. Mr. Evatt therefore asked for such a Lease, *stating his arrangements with the Widow*, and shows that though he was to have the Lease, she was to have a share in the use of the Land. The Government *satisfy themselves* as to these facts *and then agree to it*, and the very day the consent of the government is signed (23rd August 1811) the Widow gives up her Lease, and the parties sign mutually their contract, a simultaneous act to which the government furnishes them with the means, as they had been informed of the intention. Surely nothing could have been more fair, and the cause why the Lease came thus to stand on one name only rendered perfectly plain, nor can there be anything informal in its being so made out, and yet another being interested in the use of the Land. And if this be not informal in the first instance, that the Lease standing by grant of Government on the name of Francis Evatt, the application of that Lease should be shared by another (the Widow Van Renen in this case, in consequence of a legal contract to that effect), surely there could be nothing wrong in the same Lease appearing afterwards in the name of Greeff alone, who succeeded Mr. Evatt *within a few days after* the transaction, without that of the Widow or her Son, after her, being subsequently added to it, which latter in fact could not have been done but by previous application to, and approval of Government.

Many motives may be imagined in so natural, and I believe very common transaction, as that of a person obtaining a grant of Land, or a Lease upon the same, and either not wanting the whole, or not possessing the means at once profitably to use it, looking out for some person to whom he says "if I can obtain that Land

will you go shares in the use of it and pay jointly the rent &c.?" and that finding such a partner, that partner says "well and good, I shall make my arrangements in consequence, but you may change your mind, dispose of your Lease, and I should be left at the mercy of your successor, and perhaps at the most inconvenient time have my Stock turned into the road; let us therefore make a Contract that shall define our mutual rights, as well as our mutual and joint obligations, and whatever changes may happen I shall then have no trouble." This seems exactly to have been the case here. Mr. Evatt was quite a beginner, it was his first attempt in agricultural pursuits, and he seemed either to have been tired of the thing, or to have hit on some new scheme, for within a very few days he made over his Lease to the said L. M. Greeff. The Widow approved herself therefore to have been the more experienced farmer of the two, for under this change *she remained for Eight years after in secure possession of her share.*

I don't believe it to be necessary to say more on that head, to shew *why* the Lease contains only *one name*, why that of the Widow was not included, and that there is nothing either extraordinary or informal in its being so.

The next point is the non-registering of the Contract at the Land Revenue Office, but I cannot find on enquiry that there is any compulsory obligation to register a Contract of that kind at that or any of the Public offices.

I believe there are many portions of Land standing in the name of one person, yet conjointly occupied with one or two more, without such being registered, perhaps even without any legal contract being entered into, only relying on the mutual good faith of the parties; such registering could have served only as a security to the Widow *herself*, but the security the Contract gave her she thought sufficient, well aware that the person holding the Lease, if he sold more with that Lease than *the Contract which brought that Lease into the world gave him*, he must do it at his peril, and that she could never be attacked for it. She had no inducement therefore to encumber herself with either more trouble or more security, since moreover the whole transaction had been before Government, and remained there on Record, she felt secure, and possibly considered also that the Government being thus in possession of the Facts, the proper offices such as the Land Revenue Office in this case, where the transactions were sent to,

would of course have suggested such a necessity, and not suffer a person *erring* thus unintentionally, and for mere want of knowing *forms*, to be exposed to such grave consequence as the forfeiture of a Legal title.

If then the registering of this separate Contract thus publicly made, was not by existing regulations obligatory on the Widow Van Renen it could not be so with her son Jacob van Renen, who merely succeeded to her in the Contract some time after, as he had done in her other Landed Estates. And if there is no offence in the omissions, there can be no punishment. But even were such a registering required, the *unintentional omission* could not be an offence of so serious a nature as to entail on the offender the heavy loss of the forfeiture of his *purchased rights*, it would rather appear a mere form, while every due public and private had been faithfully discharged; and as a form if omitted, the always liberal disposition of Government can at its own pleasure permit him to rectify it, since *no injury either public or private has resulted from the delay*.

But it is surprising that Mr. Proctor, if he finds himself disappointed, if he indeed did purchase this Lease without knowing of the Contract, which would be hard to suppose with such a document in presence as the Certificate of Greeff on that subject before quoted, it is surprising he should seek so unjust, so impracticable a remedy as that of expelling an Individual who has been no party in the said sale to him. If Greeff has sold to him; Proctor, more than he was himself entitled to, Greeff but not Van Renen must be the Sufferer, and abide the consequences. Van Renen has only to shew his Contract, Greeff must look to the remainder and satisfy Mr. Proctor's demands, if it should prove that the latter had been thus led into error by purchasing what Greeff had no right to sell.

(Signed) CHS. D'ESCURY,
Inspector Govt. Lands & Woods.

CAPE TOWN, 17th October 1822.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.*GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 19th October 1822.

MY LORD,—I have the honour to transmit to your Lordship a Memorial addressed to the Lords Commissioners of His Majesty's Treasury by the Bible Union Society at this place, praying permission to import into this Colony, from Holland, via England, duty free, ten cases containing one thousand Bibles and other Religious Books, and I beg to recommend the measure to your Lordship's support. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from MR. J. FOURNIER to the LANDDROST OF ALBANY.

GROBLER'S KLOOF, October 20, 1822.

SIR,—I humbly beg the following grievance I sustain from Mr. Shaw may be speedily redressed to enable me to obtain that advantage of the Season, which the rest of the Settlers have. I am, at present, debarred this opportunity from Mr. Shaw's unjustly claiming and still keeping possession of the only part I can with safety cultivate as my own. One portion of it which was given up to me by his predecessor, he has ploughed, in defiance of my remonstrating with him against it, altho' I had been previously at the expence of fencing it in.

He is continually urging me to sell it him, and as I do not choose to do it, he refuses sanctioning the lands being fairly divided according to the tenor of our original agreement, and this too in direct opposition to the wishes and request of the parties concerned.

Under the false and frivolous pretence of his having no water upon his location, he and his predecessor have not only kept possession of mine, but have been stripping it, and he, Shaw, is

still stripping it of various articles for the market at Graham's Town; which has injured the place, and has hindered me from reaping the advantage.

He has on his own location considerably more water than what I have had on mine, during this last dry season, and equally as good, to the truth of this I can bring numbers of people to attest. And I have always been willing and in readiness to point it out to the person whom Mr. G. Dyason gave me to understand by a letter dated the 15th July, you intended sending out from your office to inspect.

Mr. Shaw has already privately measured his own location, and his knowing the position he wishes to claim belongs to me is evidently his motive for not sanctioning the proper measurement of it. This occasions me considerable expence and loss of time, and has done so for these last two years.

All that I have to beg and petition you for is, that Mr. Shaw should be compelled by your authority to sanction, and be at his fair portion of the expence in dividing the land, and that I be put in possession of that only which is justly my own.

Of all the Party originally located upon this ground I am the only one who has resided upon it, and strove, notwithstanding my difficulties to turn it to advantage, but to no purpose, unless you will be pleased to grant this my request. I am Sir &c.

(Signed) JOHN FOURNIER.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost and
Heemraden of Tulbagh.*

COLONIAL OFFICE, 23rd October 1822.

GENTLEMEN,—I am directed by His Excellency the Governor to acknowledge the receipt of your letter of the 11th Instant requesting instructions in regard to the Thirty thousand Rixdollars advanced to your District for the relief of the Sufferers by the late Storms, and to acquaint you in reply that if at the expiration of the present Month no applications shall have been made to

your Board for assistance from the fund placed at your disposal, it is then to be repaid to the Receiver General. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, 24th October 1822.

MY LORD,—With reference to my dispatch to Sir R. Donkin of the 28th of May 1821 respecting payments of Naval pensions or allowances to certain Settlers at the Cape of Good Hope, I now beg leave to transmit to your Lordship the Copy of a letter from the office of the paymaster of Greenwich Hospital relative to the Cases of three Seamen (John Gordon, John Littlefield and Jesse Marsh), who have solicited payment of Pensions respectively due to them on the 30th of September last: and I have to request your Lordship to be pleased to give effect, as regards these men, to the arrangements referred to in my Dispatch above mentioned, in order that they may obtain, through the Commissariat Department at the Cape, the money which now appears to be due to them, and such further Sums as they may become entitled to receive on account of their Pensions. I have &c.

(Signed) BATHURST.

[Copy.]

Memorial of MR. JOHN FOURNIER.

To His Excellency the Governor, &c., &c., Cape Town.

The Memorial of John Fournier, R.N., humbly sheweth,

That he hath served in His Majesty's Navy, as a midshipman, between 8 and 9 years, and being destitute of employ, in consequence of the reduction taken place to the Peace establishment, was induced to migrate to this Country with a Party under certain

regulations enforced by all the forms to be procured from the laws to make them binding. Notwithstanding this, Your Memorialist has been sadly imposed upon and defrauded.

After being wronged out of his property, his land is also unjustly seized upon. The enclosed are duplicates of the letters he has written to the Landdrost upon the subject, by whom he is referred to your Excellency for redress.

Your Memorialist strongly protests against the proceedings of Mr. Shaw, who has taken up his residence in the very centre of his location, in defiance to orders given to his predecessor, Mr. Morton, by the Court of Heemraden when the Honorable Captain Somerset was deputy Landdrost, and your Memorialist begs further leave to state that his endeavouring to put a stop to the depredations of Mr. Shaw and Morton has caused him considerable expence and loss of time.

Your Memorialist had at one time the opportunity of building a house upon the central part of his location; from a misrepresentation from Mr. Shaw, he was ordered by the Landdrost to desist, whereby he lost that opportunity of accomplishing his object, considerably to his disadvantage.

In consequence of Mr. Shaw's not obeying the orders given by the three Gentlemen whom the Landdrost appointed to investigate this affair, with his own consent and promise to abide by their decision, I cannot cultivate any ground, the place which he occupies being the only part I can with safety do it on as my own until the land is subdivided. And this Mr. Shaw refuses his sanction to have done, knowing the portion in dispute belongs to me; and he has endeavoured repeatedly to purchase it of me. Therefore the Petition of your Memorialist is, that your Excellency will be pleased to compel Mr. Shaw to sanction the division of the land conformable to the arrangements preconcerted amongst ourselves, and that he be put in possession of that only which is justly his own.

And your Memt. as in duty bound will ever pray &c.

(Signed) JOHN FOURNIER.

[Original.]

Letter from SIR RUFANE SHAWE DONKIN *to*
ROBERT WILMOT, ESQRE.

NO. 7 HAYMARKET, *October 30th 1822.*

SIR,—Since my arrival in town, two days ago, I have been able to refer to my papers; and I beg leave to make the following addition and amendment to the papers I transmitted to you on the 29th of September for Earl Bathurst's information.

At No. 71 of the papers docketted "Answers to the 1st series of Remarks &c.," I spoke doubtingly as to the fact of Lord Charles Somerset's having granted, originally, to Major Rogers, some part of the Military Cantonment of Wynberg. I have now ascertained that Lord Charles Somerset did make that grant, consequently the grant which the writer of the Remarks has presumed to censure in me is fully borne out, as far as anything can be so borne out, by the precedent of Lord Charles Somerset.

I had also the Grant made by Lord Charles Somerset to Captain Underwood, another of his Aides de Camp, before me; of which, although I do not assert with the same confidence as I do of that of Major Rogers that it was, literally, part of the measured cantonment, yet I am almost certain that Captain Underwood's grant, or some portion of it, was also a part of the Cantonment of Wynberg; but, if not so in literal fact, that is, if not included in the Surveyor's Boundary Line, the whole of Captain Underwood's extensive premises, consisting of several acres, were virtually, and in a military sense, a part of the Cantonment; and until enclosed by him under Lord Charles Somerset's grant, formed, naturally, part of the exercising ground; and in case of attack on the Colony from Simon's Bay, it would be precisely one of the spots on which it would be desirable to construct a field battery. I submit therefore that if explanation be necessary for making grants at Wynberg, it is due, in the first instance, from Lord Charles Somerset, who made the precedent on a large scale, and who gave away to Captain Underwood a military point of appui; and not from me who followed the precedent, though in a minor degree as to quantity, and my grant involved no possible military position or feature.

At No. 1 of the Paper docketted "Answers to the 2nd Series

of Remarks," I spoke doubtingly whether or no the grant of a Building Lot to Colonel Bird was separated from the Custom House by a Street. On reference to the Plan, I find it is not so separated by a Street. It stands in the same Parallelogram, and it has about the same relation to the Custom House that any given house in Downing Street may, by construction, be said to have to the public offices at the upper end of it; that is, such house may, in possibility, be wanted at some future period as an enlargement of the Government Offices, but, this does not prevent their occupation in the interim. My opinion was, and is, that the spot of ground in question never will be nor can be wanted for the Custom House at the Cape of Good Hope, and I beg leave to repeat my declaration that had it been private property, and offered to me for sale, on the contingent possibility of its being some day required by Government, I would not have purchased it on any terms.

It will be well for the Colony when its Commerce shall have so encreased as to require any extension of its Custom House, but should it ever enjoy such prosperity (for which I dare not even hope,) the Government will be as willing as it will be able to extend its Premises by purchase.

May I request that this Sheet may be appended to the others for Earl Bathurst's information. I have &c.

(Signed) R. S. DONKIN.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, October 31st 1822.

MY LORD,—I have the honor to transmit to your Lordship the Sentence and Proceedings in the case of a Slave of N. E. Mosterd (an Inhabitant of this Colony) named Willem, who was brought to trial for the wilful murder of a Female Slave of the same person.

Upon a perusal of the Proceedings, and a minute investigation of every circumstance I feel convinced that the act was committed in a fit of jealousy and was not only *not* premeditated but was

also not intentional. I have no doubt in my mind that the deceased was considered by the Prisoner as his wife. The Master of the prisoner states in his evidence that they had cohabited together for some years. Constancy is a strong characteristic in this class of people, and I feel a conviction that though the Mistress had forbidden the female to cohabit longer with the Prisoner, yet that the cohabitation existed (clandestinely) as before, the deceased continuing to wash the prisoner's clothes would of itself be a proof to any one conversant as I am with the habits of this class of people, of the continuance of the cohabitation.

Blackstone says in his Commentaries: "So if a man take another in the act of adultery with his wife, and kill him directly on the spot, tho' this was allowed by the Laws of Solon, as likewise by the Roman Civil Law, (if the Adulterer was found in the husband's own house) and also among the Ancient Goths, yet in England, it is not absolutely ranked in the class of justifiable homicide as in case of forcible Rape, but it is manslaughter; it is however the lowest degree of it, and therefore in such a case the Court directed the burning in the hand to be gently inflicted, because there could not be a greater provocation."

Now, though the person who was deprived of life was not the adulterer, yet as the deceased was regarded by the Prisoner as his wife, I conceive the quotation from Judge Blackstone applies equally in this case, and there is no proof, except an extorted confession from the Prisoner to release himself from *illegal* torture that the deceased met her death from any other cause than the accidental blow given on the steps of the loft. That the prisoner was of general good character is proved by his never having been punished, although 46 or 47 years of age, and though there is a vague insinuation in part of the evidence that he had been guilty of theft, yet it was one of so trivial a nature that it was not only not reported to any constituted authority, but it did not even merit domestic correction.

Under all these circumstances I beg to recommend the Prisoner to your Lordship as a fit object for the Royal Clemency.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from LORD CHARLES SOMERSET to
ROBERT WILMOT, ESQRE.*

CAPE OF GOOD HOPE, October 31st 1822.

SIR,—I do myself the honor to transmit to you the copy of a letter addressed to me by Mr. Goulburn in July 1820 notifying that His Majesty had conferred the Honor of Knighthood on the Chief Justice of this Colony. Sir John Truter has frequently applied to me respecting his Patent, the sending out of which has hitherto been overlooked. I therefore, Sir, take the liberty of mentioning the omission to you, and of soliciting you to take the necessary measures for its being transmitted, as at present the letter of which the enclosed is a copy is the only document possessed by Sir John by which the honor conferred on him is acknowledged. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

*Letter from ROBERT WILMOT, ESQRE., to
LORD CHARLES SOMERSET.*

DOWNING STREET, 1st November 1822.

MY LORD,—By the direction of Earl Bathurst, I do myself the honor of transmitting to your Lordship the accompanying Memorial from a Gentleman of the name of Macfarlane detailing circumstances connected with the supposed murder of his Son in the year 1819, and enquiring whether any Investigation of the subject ever took place at the Cape of Good Hope, where he appears to have met with his Death. Lord Bathurst will be obliged to your Lordship to cause every enquiry to be made into the circumstances which are therein mentioned, and to transmit to him whatever Information you may be able to obtain, in order that the same may be communicated to the Memorialist.

I have &c.

(Signed) R. WILMOT.

[Copy.]

Government Notice.

In consequence of the damage done to the Public Buildings at Tulbagh by the Storms of the last Winter, which has rendered it inexpedient to go to the heavy expence necessary to replace them, His Excellency the Governor has directed the Drostdy of the District to be removed to Worcester; and as it is considered more convenient that the District should bear the name of the Seat of Magistracy, His Excellency is pleased to direct that the District shall henceforth be called Worcester, in lieu of Tulbagh as heretofore;—of which all concerned are to take notice.

Cape of Good Hope, 8th November 1822.

By Command of His Excellency the Governor.

(Signed) C. BIRD, Secretary.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 10th November 1822.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's Dispatches of the Dates and numbers noted in the Margin.

No. 12—30th June

13— 2 July

14— 4

15—15

16—16

The only Dispatch which appears to me to require any specific reply is that of the 4th of July, No. 14, relating to the appointment of an additional Clerk in the office of Land Revenue which your Lordship conceives to be necessary in consequence of the accumulation of Business in that Department. Under the circumstances stated by your Lordship, I have to signify my approval of this appointment as well as of the amount of Salary (600 Rix Dollars) which you propose to assign to it; and an Intimation of my having sanctioned the measure has been accordingly made to the Board of Colonial Audit. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 10th November 1822.

MY LORD,—With reference to my Dispatch to Sir Rufane Donkin of the 28th of May 1821 respecting payment of Naval Pensions or allowances to certain Settlers at the Cape of Good Hope, I beg leave to transmit to your Lordship the Copy of a Letter from the office of the Paymaster of Greenwich Hospital relative to the case of a seaman named William Burch, who has solicited payment of the pension due to him on the 30th of September last; and I have to request that your Lordship would be pleased to cause arrangements to be made for issuing whatever money may appear to be due to him through the Commissariat Department at the Cape. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, November 10th 1822.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 25 transmitting to me several enclosures (herewith returned) relative to an Appeal from the Superior Court here in the case of Short and Berry versus Smith, which on the petition of Short was dismissed by an Order of His Majesty in Council of the 6th of April 1818 for non prosecution.

In reply I have to state to your Lordship that in Mr. Short's Petition there are many inaccuracies and mis-statements. The Sentence against Smith *was carried into execution here*, Short receiving all the money which had been paid into Court and taking the person of Smith in execution for the remainder; and Smith was accordingly committed to the prison at this place on the 21st of June 1817 and remained in it till 23rd June 1818, when he was released according to the Forms of the Law here in consequence of Short having failed to pay the usual prison allowances.

Smith when a prisoner complained to the Chief Justice of the failure of the respondent (Short) to provide sustenance for him, and the Fiscal was in consequence directed to investigate the matter, and the complaint being found correct he was released and consequently all further claims on Smith were at an end by that release.

It would also appear from Short's petition to His Majesty that the bond given by Smith was solely "to prosecute the Appeal." I have the honor to transmit a copy of the bond to your Lordship, by which your Lordship will perceive that Short was withheld the remaining purposes of the Bond by omitting the words "and answer the condemnations and pay such costs and damages as shall be awarded."

Now my Lord as no proceedings were had in consequence of the dismissal of the Appeal, no damages could be awarded, and I presume that if Mr. Short has any claim for expences incurred in being prepared to meet the Appeal before His Majesty in Council that he is bound to make the amount of those expences apparent to the Court of Appeals here, and pray the Court to award him such portions of the forfeiture of the Bond as shall appear to the Court just and equitable.

Respecting Mr. Johnson it does not appear that he ever was in this case more than the private agent of Smith, altho' in some parts of the case his name has been erroneously coupled with Smith's, but in point of fact he only acted as agent and was no otherwise concerned in the transaction than paying over monies he received for Smith immediately on receiving them.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 15th November 1822.

MY LORD,—I have had the honour to receive, by the Hands of Major Cloete, your Lordship's Dispatch of the 5th of August last,

giving an account of the destructive effects of the late severe and terrific storms which have been experienced at the Cape of Good Hope, and detailing the measures which, in consequence of that Calamity, your Lordship proposes to adopt for the Relief of the Sufferers.

His Majesty has learnt with the deepest concern the Destruction of Public and private property to the extent communicated by your Lordship, and the Distress and Misery into which so many of the Inhabitants have been driven by this unforeseen Calamity. These unfortunate circumstances are such, that His Majesty cannot but approve of the measures which your Lordship proposes to adopt in this extremity; and it has been a considerable source of satisfaction to him to learn that the unincumbered state of the Colonial Finances leads your Lordship to anticipate, with so much confidence, the capacity of the Colony to maintain itself through its various difficulties, and gives you an opportunity of affording to the suffering Population the Relief which their Situation so urgently requires, without calling upon the Mother Country for more than a partial and temporary assistance.

With the view of rendering that assistance more speedy and effectual, I have to acquaint you that the Lords Commissioners of the Treasury have agreed to a Proposition which I have submitted to them, of permitting your Lordship to draw on the Secretary of the Treasury, at Thirty days sight, for the Sum of one hundred thousand Pounds to enable your Lordship to make the necessary advances to the different Districts requiring assistance, and the Sum of Twenty-five thousand Pounds for the Restoration and Reparation of the Churches, Barracks, or other public Buildings which have been destroyed or injured on this lamentable occasion. At the same time, it will be for your Lordship to exercise the most careful Discrimination in the application of this Money, and to exercise the most rigid economy compatible with the fair execution of the benevolent and necessary Purposes for which this Loan has been afforded.

I shall have the honour of communicating to your Lordship more fully, by a future opportunity, the Principle on which the above Loan on the part of the King's Government will be advanced. But, for the present, I am only enabled to state that your Lordship will be required to provide for the payment of the Interest thereon at the rate of 5 per cent, and to make provision for the

repayment of the Capital in the manner, and at the period proposed in your Lordship's Dispatch. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from HARRY RIVERS, ESQRE., to the COLONIAL SECRETARY.

CAPE TOWN, 18th November 1822.

SIR,—His Excellency the Governor having directed me to report on the circumstances of distress into which Mrs. Latham represents in a letter to Lord Bathurst, that her husband, who proceeded to the Cape as a Settler with Mr. William Parker, has fallen, I have the honor to state that Mr. Latham was on his first arrival in the Colony unfortunately exposed to the difficulties and disappointments represented by Mrs. Latham, but I have reason to think he has been nearly able by exertion and industry to overcome them. Mr. Latham has lately become a purchaser of a very good and improveable property, on which he now resides, situated near the Bosjesman's River, and on the high-road from Uitenhage and Algoa Bay to Graham's Town, from which place it is about twenty miles distant and adjoins his location; he has presented a Memorial to His Excellency, praying for the grant of a place on the Assagay Bosch River, to which I am not at present aware of any objection, and this memorial having been referred for my Report, I last week informed Mr. Latham that I would inspect the land and report thereon immediately on my return to Albany.

A request was preferred, as stated by Mrs. Latham, to the late Acting Governor for the grant of this land by Captain Sparks of the late Royal African Corps, who apprised Mr. Latham thereof, and consequently created doubts as to the result of Mrs. Latham's Memorial.

I have the honor also to state that Mr. Latham, since his residence in the District of Albany, has received rations of provisions, rice, and seed-corn, in common with other Settlers, and I believe he is at present living in a state of comparative ease

and comfort, without any wish or intention to quit the Settlement, and perfectly satisfied with the treatment he has experienced from the Colonial Government, and the local authorities.

I have &c.

(Signed) HARRY RIVERS.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost
and Heemraden of Worcester.*

COLONIAL OFFICE, 19th November 1822.

GENTLEMEN,—I am directed by his Excellency the Governor to acknowledge the receipt of your letter of the 11th of last month, enclosing a statement of the sums which you calculate the district of Tulbagh will have it in its power to advance towards the erection of the buildings for the public departments and service, at the new seat of magistracy of your district, amounting to 297,952 guilders; and I am directed to acquaint you that as his Excellency sees the absolute necessity of completing the usual buildings of a drostdy without delay, and as his Excellency has in consequence approved the elevation and distribution of the magistrate's house, the estimate of which amounts, according to the calculation of the inspector of buildings, to 68,000 rixdollars, his Excellency will assent to your being supplied with the sum of 100,000 rixdollars, to be taken from the fund created for the purpose of rebuilding such public and private edifices as had suffered by the storms of the last winter. This sum of 100,000 rixdollars will be, therefore, a loan to the district from the aforesaid fund, and the sums which the district will receive from the sources calculated in its estimate must, as they shall be so received by the district, be paid into the aforesaid fund, in reimbursement of the present advance, which advance is not on any account to be appropriated to any other purpose than that of the aforesaid buildings.

It remains to add that his Excellency will give the necessary

authority for raising the assessments required, and that great care should be taken not to bring the landed property too rapidly to market. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from LORD CHARLES SOMERSET *to* ROBERT WILMOT, ESQRE.

CAPE OF GOOD HOPE, November 20th 1822.

SIR,—In reply to your note covering a letter from the Revd. P. S. Irby relative to two Settlers David and William Hobson, I have the honor to inform you that one of them is the clerk at the Wine Contractor at Graham's Town and is doing exceedingly well, but that the other resides on a location towards the Fish River and has been strongly suspected of illicit traffic with the Kaffers, which suspicion there is I fear too much cause to believe well founded. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from THOMAS LACK, ESQRE., *to* ROBERT WILMOT, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
WHITEHALL, 26th November 1822.

SIR,—The Lords of the Committee of Privy Council for Trade having had under their consideration, the copy of a Petition from the Woolgrowers of the Cape of Good Hope, praying a Relaxation of the Charges imposed on the Importation of Wool, the Produce of that Settlement, into Great Britain, by an Act passed in the year 1819; which Petition, together with the copy of a Dispatch from Lord Charles Somerset, recommending a Compliance with the same, were transmitted in your Letter of the 10th August last;—I am directed to acquaint you, for the information of Earl Bathurst, that their Lordships are disposed to think that it will be

desireable to place the Wool of the Cape of Good Hope, upon the same footing as the Wool of New South Wales. I am &c.

(Signed) THOMAS LACK.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 27th November 1822.

SIR,—Having laid before His Excellency the Governor your Letter of the 18th Instant reporting on the Memorial of Joseph Latham praying that James Devine may be removed from the Spot on which he has erected a small dwelling, at the expiration of his Licence for a retail Canteen, and that the said piece of Land lying between the respective boundaries of Hassagaai Bush farm and the place of G. Welgemoed, comprising about 1000 feet, may be ceded to him, I am directed to authorize you to put the applicant in possession of the Land accordingly. I have &c.

(Signed) C. BIRD.

[Copy.]

Memorial of MR. D. P. FRANCIS.

To His Excellency the Right Honourable Lord Charles Henry Somerset, One of His Majesty's Honorable Privy Council, and Commander in Chief of the Colony of the Cape of Good Hope, &c., &c., &c.

The Memorial of David Polley Francis Humbly Sheweth,

That your Memorialist did in the month of August last present a Memorial to your Excellency praying for a Grant of Land therein named in the District of Albany. Memorialist having received no reply thereto, most respectfully hopes your Excellency will be pleased to take the same into your consideration, Memorialist having been informed that One Thousand Acres has been measured

for him off a part of the land Memorialist applied for, but that the boundary line drawn between him and the two places occupied by Dirk van der Skeiff and Fredrik Rensburg approaches within about Five Hundred yards of Memorialist's House, and is distant from Dirk van der Skeiff's about One Mile and a Half, and from Fredrik Rensburg near two Miles and a Half.

That the said boundary line cuts off all the principal part of the Water from Memorialist's Place and makes it of no value as a Grazing farm, for which purpose it is only adapted.

Memorialist is informed that the Places of Dirk van der Skeiff and Fredrik Rensburg have yet no titles to them, and believes there is a memorandum made by Mr. Swan, the Government Surveyor, and lodged in the Landdrost's Office at Graham's Town, stating that it would be expedient to alter the said boundary line when Memorialist's place should be measured. Mr. Swan was the Person who made the boundary line in the first Instance, but was afterwards aware that land of equal importance and value to those places can be given (if it is required) in an opposite Direction.

Under these circumstances Memorialist solicits your Excellency will be pleased to take into your early consideration this Memorial, and the same may be inspected and adjusted, and such a grant of land assigned him as usually is given for a grazing farm, and Memorialist as in duty bound will ever pray.

(Signed) D. P. FRANCIS.

CAPE TOWN, 27th November 1822.

[Original.]

Letter from CAPTAIN THOMAS BUTLER to

GRAHAM'S TOWN, CAPE OF GOOD HOPE,
28th November 1822.

SIR,—I beg leave to represent to you that when you were Secretary in Ireland I had the honor of laying my claims on that Government together with Certificates of my Services as Subaltern and Captain in the Line and Militia, also some letters of recommendation, before you. You were then pleased to signify to me

that at that time nothing could be done but I should be considered when an opportunity offered. On your removal I shewed your letter to your successor Mr. Grant, whose kindness and gentlemanly conduct on that occasion I shall ever remember with gratitude. On our consulting together we agreed that bringing out a party here might answer my purpose. Mr. Grant accordingly recommended me to the Earl of Bathurst. I received my instructions, settled my affairs in Ireland, lodged my money and brought out a party consisting of thirty-two persons including my own family. On my arrival in this Colony I was first sent to a place called Clan-William and located on the Great Elephant River, where I remained for nearly four months, paying every morning for the rations of my large party. I built a good house for myself and small ones for the party, cultivated and sowed all the Land that was fit, not more than nine or ten English acres, and then represented to the Colonial Government that there was not sufficient arable land to support my family and party, all the rest of my location being sand and bush. The Colonial Government was then pleased to send down a gentleman from Cape Town to inspect, upon whose Report I was removed here at the Government's expence. I have made every exertion here now for nearly two years and a half, and have myself and my children all very young laboured like horses, sowed two crops, tilled, manured and fenced in nearly thirty acres of land as well as any in England, but all to no purpose. That abominable *rust* has now for the third time blasted all my hopes of bread for my family. The dread of seeing them hungry preys much on my mind, for how to turn myself now I know not; as to clothing we scarcely know what it is, had it not been for the humanity of Mr. Johnston of the Commissariat in Grahams Town who gave me some Rice Bags to cover us from the blistering sun, we should not be able to stand out to work. The Tradesmen and Labourers we Heads of Parties brought out are right well off, as they can earn plenty of money. These men were determined from the first not to work for us, but to destroy our property and be dissatisfied with everything to get their liberty, and actually combined to serve their time out in jail sooner than with us. As to myself I do assure you I treated mine most tenderly, gave them more comforts under privations than my own family, supported many of them and their families for months before we left Ireland, brought them at my own expence from my

house in the County of Wicklow to the Cove of Cork where we embarked, a Distance of more than one hundred miles, which for carriage of baggage &c. cost me more than £100, gave them clothing and everything else they wanted, but all to no purpose, for when they got me in the wilderness they would not work, and instead of serving me did everything in their power to distress me, robbed me and wantonly broke my family utensils &c., so that at length in my own defence I was obliged to discharge them all. I am now more than one thousand pounds out of pocket, nearly all I could muster in this world, without a shilling. My location is of very little value, territory here on which I built all my hopes not being of any value, and now reduced to work from morning until night half famished and half naked under a burning sun to support my unfortunate wife and three children; however it is quite out of my power to describe to you all I have and am suffering. The Colonial Government have on all occasions treated me with humanity, only for it and the salubrity of the climate many of the Settlers (who ill deserve it) would have perished. The lower order of the Settlers are in general I am sorry to say an ungrateful and rebellious set of Radicals. Picture to yourself how galling it must be to a man reared as I have been and I flatter myself competent to fill a situation where I might be of service, to be obliged to exist amongst such insolence and ignorance. General Campbell who was my neighbour lasted but a short time. He died of a broken heart. All the Heads of parties within miles of me have deserted their locations. This never can be a country to make money in from the want of harbours, for the land carriage of anything we might have to export would cost more than the commodity would be worth at the place of exportation; however from present appearances there is no probability of having anything to export. I have now honestly and fairly laid before you my present distressing and awful situation. By a letter I received from one of my friends in Ireland I find there are to be Local Magistrates and Baronial peace officers appointed all thro' that distracted Land. From my local knowledge of the whole of that my native Isle I am certain I could fill either of these situations with satisfaction to the Government and with strict justice to the People. When with my regiment very much quartered in the disturbed parts of Munster I was always detached with my Company and always received the thanks of the Civil power for

my exertions; a line from you to the present Viceroy of Ireland would I am certain procure me either of these situations. Were I appointed I know my friends would bring me home if Government would not give me a passage. If this is not practicable if you would get the Earl of Bathurst to write to our Governor Lord Somerset, I am certain something would be done for me here. There are many situations on the Frontier that would keep me from present want and starvation; I have all my life served my King and my Country with Fidelity and assiduity. I now hope my present distressed state will plead my excuse for giving you all this trouble. If you knew my misery I am certain you would assist me or I am greatly deceived in the feelings of your heart, besides having done so might be a pleasing reflection hereafter.

I have &c.

(Signed) THOS. BUTLER.

The sad fate of my Countryman the Marquis of Londonderry has just reached this quarter of the Globe. I regret his loss, I always considered him a great Minister. Many a snarling cur and holy day patriot he silenced with majestic dignity. But his mighty mind was worn out.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* LORD
CHARLES SOMERSET.

DOWNING STREET, 30th November 1822.

MY LORD,—I am directed by Lord Bathurst to transmit to your Lordship the enclosed Copy of a Letter and its enclosures which Mr. Anderson has addressed to this Office under date the 29th of July last complaining of the Sentence of the Court of Justice in a case of Law charges instituted against him by an Attorney named Ruysch; together with a copy of the reply which has been returned to Mr. Anderson.

As Mr. Anderson represents that a Positive Law under which he claims exemption from payment of the charges which the Court

has called upon him to defray, has been disregarded in his case, Lord Bathurst deems it necessary to point your Lordship's attention to that particular part of Mr. Anderson's petition, and to request that your Lordship would cause enquiry to be made into the Fact which is therein stated, and that you would inform him of the result. I have &c.

(Signed) R. WILMOT.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* MR. ANDERSON.

DOWNING STREET, 30th November 1822.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 29th of July last transmitting two representations which you addressed to Lord Charles Somerset complaining of a Sentence of the Court of Justice at the Cape of Good Hope in a case of Law charges instituted against you by an Attorney named Ruysch, and soliciting Lord Bathurst's interposition with a view to your obtaining that Redress which you state you have not been able to procure in the Colony.

The amount of the charges in question being under that Sum which is prescribed as a Minimum below which Appeals to a Superior Jurisdiction are not allowed, Lord Bathurst has only to remark that you must of necessity acquiesce in a Decision of which the Laws of the Colony have not provided any power of revisal by a Superior Court. His Lordship has desired me however to add that he has transmitted your Letter and Enclosures to Lord Charles Somerset calling his Lordship's attention to that part of your petition where you assert that a positive Law promulgated by the Earl of Caledon in 1809 and which is now in operation has been disregarded in this Instance. I am &c.

(Signed) R. WILMOT.

[Copy.]

*Additional Article to the Regulations for the licensed Butchers
dated Cape Town, the 30th of November 1821.*

Art. 28.—And as it is expedient that a fair competition between the several butchers should be encouraged, and that therefore no butcher, singly or in partnership with other butchers, shall, by occupying more than one slaughter-house, prevent others from pursuing the same trade; it is hereby made known, that no butcher or association of butchers will be permitted to keep more than one slaughter-house for the carrying on of their business; and that in the event of a butcher retiring, and his slaughter-house becoming vacant, and being taken possession of by a person already occupying a slaughter-house, whether singly or in company, or keeping a second slaughter-house under the direction of a servant, although that servant or other person follows the butcher's trade therein in his own name, and as for his own account, such a circumstance occurring shall forthwith be made known to the burgher senate by the director of the shambles, or by any one qualified to give the necessary information respecting it, when the burgher senate, on finding the information to be correct, will, without any form of process, turn out such person thus unlawfully in possession of such slaughter-house, independent of the penalties attached to the crime of monopoly, to be visited upon the principal party in such transaction, on being found guilty.

Thus done and agreed to at a meeting of the burgher senate, Cape of Good Hope, on the 19th November 1822.

(Signed) M. VAN BREDa, President.

By order of the Burgher Senate.

(Signed) P. J. TRUTER, Sec.

Fiat.

(Signed) C. H. SOMERSET.

[Original.]

*Letter from LORD CHARLES SOMERSET to ROBERT
WILMOT, ESQRE.*

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 5th December 1822.

SIR,—On the receipt of your letter of the 25th June last transmitting to me, by Earl Bathurst's direction, a letter from Mrs. Latham relative to the situation of her husband who proceeded to the Cape with Mr. William Parker, and requesting me to cause enquiry to be made respecting the circumstances of distress into which he is represented to have fallen, with a view of affording him such facilities as a Settler as his conduct in the Colony may merit, I caused the necessary enquiry to be made into the circumstances represented by Mrs. Latham, and I have now the honour to transmit to you, for Earl Bathurst's information, the enclosed copy of a report I have received from the Magistrate of the Albany District, in which province Mr. Latham resides, from which it will appear to His Lordship that Mr. Latham seems at present to live in a state of comparative ease and comfort without any wish or intention to quit the Settlement, and is perfectly satisfied with the treatment he has experienced from the Colonial Government and the local authorities. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

CAPE TOWN, 6th December 1822.

SIR,—His Excellency the Governor having directed me to report on the enclosed Memorial from Mr. D. P. Francis, praying that a certain piece of land may be inspected for him, and such a Grant assigned to him as is usually given for a Grazing Farm, I have the Honor to state that I am not aware of the grounds upon which the Memorialist may be entitled to an immediate Grant of Land, or of the local circumstances stated by him, and I conceive

the prayer of his Memorial cannot be considered until the period shall arrive when the claims of the Settlers to the grants of the respective portions of Land to which their previous residence and the number of persons who shall have continued on the Locations may entitle them, shall come under the consideration of His Excellency.

I am the more induced to offer this opinion from Mr. Francis having several Months ago quitted and moved all his property from his Location. I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 9th December 1822.

MY LORD,—I am induced by a conviction of the Justice of the Claim of Mr. J. Murray to indemnification, under the circumstances of his Case, to represent to your Lordship the particulars thereof, and to recommend the same to your Lordship's favourable consideration.

A short time subsequent to the Surrender of the Colony to His Majesty's Forces, the father of Mr. J. Murray obtained a Grant of Land on a Small Island at the Mouth of this Bay. On this spot he erected the necessary Buildings for carrying on a Whale fishery business, and formed an Establishment for that purpose, which he carried on successfully for some years. I should now acquaint your Lordship that Robben Island (the one in question) had been appropriated by the Dutch Government to the sole purpose of securing the Banditti and others under Sentence of banishment or transportation, and that its situation is peculiarly adapted for that purpose; the Banditti were however removed from the Island by the Dutch Authorities when the first attack was made on this place, but the Convenience and Security of the position induced the English Administration to reoccupy it for its original purpose as long since as the year 1807. But it was found that the occupation of the principal landing places by Mr. Murray,

and the facility which his Boats gave to Escapes were attended with consequences very dangerous to the Public Interest, which it was endeavoured to counteract by strict regulations, those regulations were not however successful, and the frequency of these escapes rendered it essential that stronger precautions should be taken, many desperate Gangs having reached this Continent and caused much alarm among the Inhabitants and trouble to the police before they could be dispersed or secured. Among the later Escapes that of the Caffer Chief Lynx with Thirty desperate characters, who overpowered the guard and seized the whole of Mr. Murray's Boats, escaping therewith to this Coast, evinced the necessity of forbidding any Boats from being hauled on the Robben Island beach, or even from being Moored at the Island during the night.

This arrangement has been effectual for Securing the Prisoners on the Island, as it was obvious it would be; but at the same time it has ruined Mr. Murray's fishery, and it is that circumstance for which he now applies for indemnity. I have in consequence allotted to him a piece of Land on the Cape promontory suitable to his objects, and I caused the buildings he has evacuated to be valued by competent persons, and have the honour now to enclose a Copy of the report made to me hereon, from which your Lordship will perceive that a Sum of Fifteen Thousand Rixdollars or about £1,150 is justly due to Mr. Murray, and will be but a trifling compensation for the heavy loss he sustains by this forced removal, more especially as it is probable the buildings may be ultimately available for the accommodation of convicts as they increase in number. I therefore request your Lordship's sanction to my issuing to him that sum from the Colonial Funds, upon his making over to this Government the whole of his Buildings and property on Robben Island. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to ROBERT
WILMOT, ESQRE.*

LONDON, 10th December 1822.

SIR,—We do ourselves the honor of informing you, that we have received a proposal from Captain Clark Commander of the private ship *Madras* bound to India, who is willing to convey the Commissioners of Enquiry and their Establishment to the Cape of Good Hope upon the following terms viz :

	£
Accommodation for the Commissioners and the Secretary	950
Ditto for five Servants	200
Compensation to the owners for the additional percentage on insurance of the whole cargo in consequence of the ship touching at the Cape	125
	<hr/>
	Total £1275

We should have had great reluctance in submitting these terms for Earl Bathurst's approbation, had we not during the last month adopted every possible means of procuring a passage to the place of our destination on the most reasonable terms. The *Madras* is a ship of 600 tons, and will sail from Gravesend not later than the 29th of January next, under a special engagement to that effect. We are conscious that these terms are high, but it must be observed, that all the Commanders with whom we have treated have demanded the same terms for conveying us to the Cape as they would have done had India been our destination, nor does it appear possible to induce them to touch there for a smaller consideration.

It may be proper for us to observe that the owners of the East India Company's ships which are appointed to leave the Downs on the 3rd January, have evinced so decided a reluctance to the deviation of their ships for the purpose of touching at the Cape, notwithstanding the sanction afforded by the Court of Directors, that we have been under the necessity of abandoning the negotiation for a passage in those ships, and we have now no alternative even with every sacrifice of personal convenience but that of proceeding in a private ship. We have however found reason to believe, that none of the East India Company's ships would have

taken us to the Cape for a less sum than £1600, and under such circumstances we feel the less reluctance in submitting the terms of Captain Clark (£1275) for the favorable consideration of the Earl Bathurst.

We have therefore to request you will be pleased to signify to us at your earliest convenience his Lordship's instructions for our guidance in regard to the propriety of closing with Captain Clark.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. COLEBROOKE.

[Original.]

Letter from MR. WILLIAM PARKER *to* ROBERT WILMOT, ESQRE.

NO. 10 ADAM STREET, ADELPHI,
Tuesday, 10 December 1822.

Mr. Parker presents his Compliments to Mr. Wilmot and has the honour to inform him of his arrival from the Cape of Good Hope, which he left on the 3rd of October. Mr. Parker is the bearer of a letter from Lord Charles Somerset to the Earl Bathurst, which he wishes to present in person either to his Lordship or to Mr. Wilmot, as Mr. Parker believes it contains an admission by His Excellency of the infamous treatment Mr. Parker experienced during Lord Charles' absence through the machinations of the Jesuit Secretary, who with the zeal of a Loyola had successfully commenced to undermine the Reformed Religion. This undeniable fact has compelled Mr. Parker to reappear in London.

[Original.]

Letter from MR. WILLIAM PARKER *to* ROBERT WILMOT, ESQRE.

NO. 10 ADAM STREET, ADELPHI,
11th December 1822.

SIR,—I have to thank you for your prompt attention to my note of Yesterday and now beg leave to inclose Lord Charles Somerset's

letter for the Earl Bathurst. I have the most valuable information to submit to his Lordship supported by authentic documents respecting His Majesty's Colony in South Africa, information which requires my being favoured with a long and patient interview and which will develop a scene of infamy that will when known astonish His Majesty's Ministers. I have &c.

(Signed) WM. PARKER.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to*
ROBERT WILMOT, ESQRE.

LONDON, 11th December 1822.

SIR,—Adverting to our communication of yesterday's date containing the proposal and terms of Captain Clark of the ship *Madras* for providing a passage for ourselves and Servants to the Cape of Good Hope, and the recent application for our accommodation in an Indiaman being still before the Court of Directors and awaiting the selection that we might make of one of their vessels, we beg leave to suggest that in the event of Captain Clark's proposal being sanctioned, it would be acceptable to the Court to receive as early as possible an official intimation of our having failed in making any satisfactory arrangement with the Captains and owners of any of their ships now under dispatch.

As we think that Earl Bathurst would wish to be in possession of the reasons or objections which may have prevented such an arrangement, we beg leave to submit, that most of the vessels for India are engaged for the purpose of taking troops, and that the expence occasioned by any deviation from the direct course of their voyage (which in the event of touching at the Cape is estimated by Captain Cruickshank at not less than 14 days) as well as the increased rate of insurance lately made for vessels touching at that Colony in the winter season, have all constituted grounds of objection as well as of augmented charge, in the arrangements that we have been endeavouring to effect.

As the permission that was solicited in the first instance from the Court of Directors was confined to the ship *Farquharson* and

as you may wish to be distinctly informed of the rate of charge that has been made for our accommodation on board that vessel for a voyage to the Cape, we beg leave to enclose the letters that have been received from Captain Cruickshank upon this subject, observing only that in the last interview with him, it was distinctly understood that the proposal made to him and rejected by his note of the 6th inst. was for *three* cabins only and suitable accommodation for servants, and not as stated in his first letter for *four*. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. COLEBROOKE.

[Copy.]

Reply to the Memorial of MR. D. P. FRANCIS, Praying that a certain piece of Land may be inspected for him and such a grant assigned to him as is usually given for a Grazing Farm.

“It appearing upon enquiry into the circumstances stated by Memorialist that he has quitted, and moved all his property from his location, His Excellency the Governor does not deem Memorialist entitled to the Grant prayed for by him.”

Colonial Office, 12th December 1822.

By His Excellency's Command.

(Signed) C. BIRD.

[Copy.]

*Extracts from a Letter from LORD CHARLES SOMERSET to
LIEUTENANT COLONEL SCOTT.*

12th December 1822.

Whenever it may be necessary to follow the Kaffers into Kaffraria or to make any attack upon them, it must only be done by the Cavalry, Mounted Infantry, or Mounted Burghers. The

Infantry are useless upon these occasions and must be entirely employed as defence or for scouring the Bush.

The Levy must on all occasions be considered as the Home defence and be as little separated from their own home as possible. They are raised for that purpose, and if alienated, their families would lose all confidence in our protection, and it might and would become a most impolitic act, and tend to serious evil.

P. S. Perhaps it would be as well to let it be known that the Levy is intended solely for the defence of the locations, and that generally I consider we have nothing serious to apprehend from the Kaffers.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *December 16th 1822.*

MY LORD,—The present state of the Frontier of this Settlement calls for the most serious attention. The Settlers have not only cause for alarm from the increasing and almost daily depredations of the Kaffers, but those causes are magnified with a factious industry and malevolence that it is difficult if not impossible to check.

I can best describe to your Lordship the characteristics and disposition of the major part of the Settlers who have emigrated from England and Ireland by attaching to them the familiar appellation of Radical, they have no disposition to Industry and no inclination to exert themselves, and their chief object is to oppose and render odious all authority, to magnify all difficulties and to promote and sow the Seeds of discontent wherever their baneful influence can extend. The unfortunate Blights in the Wheat Crops for the last two Seasons and the distresses caused thereby have served their turn well, and the increasing Kaffer depredations furnish them with additional means of fomenting discontent. They have attempted public meetings, but hitherto I have been enabled to suppress them, having issued a Proclamation, of which the Enclosed No. 1 is a copy.

They have now presented a Petition for meeting legally which I fear it will not be possible to resist. Their ostensible object (I have learnt from good authority) is to petition for greater Military

protection. The only politic mode of suppressing faction is to give no just cause for complaint. The Question then is, are the Settlers sufficiently protected? and can the plunder and murders committed by the Kaffers be prevented by the Species and amount of Force we now have? The measures which I lately adopted of forming an Armed Levy (to which I solicited your Lordship to obtain His Majesty's Sanction in my Dispatch of the 15th of October last No. 27) precludes the necessity of any increase to the Infantry and forms a home defence to the Locations, but the nimbleness and wariness of the Kaffer over such an extent of Country render it impossible to punish or prevent his plunder and atrocities by any other arm than Cavalry, and every little success renders him more daring and increases the alarm of the Settler. With the conviction therefore of the necessity of an encrease of this Species of Cavalry, I have to propose to your Lordship that two Troops should be added to the present Colonial Corps, reducing the Companies of Infantry from 75 to 60 Rank and File each. I do not propose to separate the Corps, because by uniting the Cavalry and Infantry in one Corps, each will have the advantage of the Regimental Staff without the additional expence of two Establishments of that nature.

In strongly urging the augmentation of this description of Force, I am actuated by the experience I have in the peculiar fitness of the Hottentots in this species of Warfare in comparison with the European Soldier. The extraordinary Tact they have in their mode of pursuing the Kaffer, their knowledge of his habits and their wonderful Intelligence in finding their way over that wild Country, added to the indifference they feel at the severest privations of Shelter and even of Food, and the natural antipathy which exists between them and the Kaffer, the effect of which is a matter of daily observation. I am prompted to suggest this measure at the present moment by information lately received from Sources to be relied on, and particularly by the last post from the Frontier, that the Kaffer Chiefs were reconciled to each other and meditated a formidable union against the Colony. I shall avail myself of the best Expedients I can command until I am honored with your Lordship's commands on this subject. A knowledge however that this application has been made to your Lordship will for the present tranquillize the minds of the Inhabitants and give a check to those who wish to excite alarm.

I trust I shall not again be driven to the expedient of calling for the Services of the Inhabitants as in 1819. The hardships they then underwent, the Blights in the harvests since that period, and the destructive tempests of the last Winter have rendered it almost impossible for me to require a Repetition of those exertions. I am unwilling to submit any measure to your Lordship (however unavoidably necessary it may be) without endeavouring to find the means of effecting it without bearing heavily upon our Finance, and as the mode of increasing the Military Force of England at the commencement of the War in 1793 was by allowing the Officers who raised the Men the sale of the Commissions created by the new Levies, I beg leave to propose to your Lordship that the additional Officers to be appointed to this encrease of the Cape Cavalry should purchase their Commissions at the price established by His Majesty's regulations (which will produce a sum of £15,085 Sterling) and that the proceeds thereof should be carried to the Colonial Treasury. This sum will not only cover the whole expence of forming the augmentation and enable me to re-equip this very useful portion of our Force in the most effectual manner, but will also leave so considerable a Balance that the interest of it will provide for a portion of the annual expence thereby created. Should your Lordship be pleased to obtain His Majesty's approbation to this augmentation of the Colonial Cavalry, may I request that you will communicate the same to His Royal Highness the Commander in Chief, in order that His Royal Highness may take measures for sending out, *with the least possible delay*, the Officers His Royal Highness may think proper to recommend to His Majesty for the purchase of these Commissions, directing also that the purchase money should be lodged in the hands of the Colonial Agent, T. P. Courtenay Esq. to the credit of this Government.

I have now to request Your Lordship to take measures to ensure the earliest transmission of the doubled barrellled Carbines which by a letter from Mr. Courtenay I learnt were to be forwarded from the Board of Ordnance and that the number of double barrellled Carbines to be sent should be encreased to 252 in the event of Your Lordship concurring in the measure I have now the honor to propose. When I left London Your Lordship had sanctioned my ordering these Carbines at the Expence of the Colonial Treasury and I had agreed for them with a Mr. Westley

Richards, a most respectable tradesman at Birmingham, at a very reasonable price, and they were to be completed in a month. Sixteen months have now elapsed, and we are still without this anxiously looked for Arm.

I have the honor to transmit to your Lordship Enclosure No. 2 the Establishment of the Cape Corps at present, and also of that upon which it is proposed to put it, which Your Lordship will perceive will be 480 Rank and File, which is still 300 Rank and File less than the effective Strength of the late Cape Regiment which amounted to 780 men. I feel a confident hope that I shall receive your Lordship's acquiescence and sanction to that which with the best reflection I can give the subject, I have felt it my duty to submit to your Lordship, more especially as by the mode of effecting the measure it will cause only a very small encrease of the Colonial Expenditure and throw no burden whatever on the British Finance. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1.]

See Proclamation of 24th May 1822.

[Enclosure No. 2.]

Present Establishment of the Cape Corps :

1 Major Commanding	
2 Captains	} Cavalry
2 Lieutenants	
2 Cornets	
4 Captains	} Infantry
4 Lieutenants	
4 Ensigns	
1 Adjutant	
1 Quarter Master	
1 Paymaster	
1 Surgeon	
1 Regimental Sergeant Major	

2 Troop Sergeant Majors	}	Cavalry
6 Sergeants		
8 Corporals		
126 Privates		
2 Trumpeters		
2 Farriers	}	Infantry
12 Sergeants		
12 Corporals		
288 Privates		
8 Buglers		

Total 434 Rank and File.

Proposed Establishment.

	1 Adjutant
	1 Quarter Master
	1 Paymaster
	1 Surgeon
Cavalry :	1 Major
	4 Captains
	4 Lieutenants
	4 Cornets
	4 Troop Sergeant Majors
	12 Sergeants
	16 Corporals
	224 Privates
	4 Trumpeters
	4 Farriers
Infantry :	1 Major
	4 Captains
	4 Lieutenants
	4 Ensigns
	1 Sergeant Major
	1 Quarter Master Sergeant
	12 Sergeants
	16 Corporals
	224 Privates
	8 Buglers

Total 480 Rank and File.

[Original.]

Letter from MR. WILLIAM PARKER to ROBERT WILMOT, ESQRE.

NO. 10 ADAM STREET, ADELPHI, 16 December 1822.

SIR,—As brevity appears to be the great desideratum of official men, in answer to your letter of this date I shall briefly but most respectfully state, that I have fully discovered, that the Colonial Secretary at the Cape of Good Hope Lt. Colonel Christopher Bird, being a Papist of the order of the Jesuits and the Brother of the *notoriously* celebrated Father Bird, the Leader of that sect at Stonyhurst, is the chief and real cause of the numerous ills that afflict that Settlement, and which have destroyed all the hopes of the Settlers.

The proofs I have are conclusively convincing, in fact their validity was admitted by Lord Charles Somerset, who to His Excellency's immortal credit has proved himself firm in those principles which give dignity to man and permanency and consistency to States.

The subject is of vital importance to the whole Christian World, when coupled with the alarming official admission of Mr. Plunket the Attorney General in Ireland, "That there was a conspiracy to destroy every Protestant." This conspiracy has been hatched by the Jesuits at Stonyhurst, and its ramifications have been extended and are extending into all parts of His Majesty's Dominions.

As the Colonial Department is already possessed of the most important documents from me, I shall until honoured by your answer forbear any further communications dreading to offend that brevity so desirable to official men. I have &c.

(Signed) WM. PARKER.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., to MR. BISHOP BURNETT.

DOWNING STREET, 17th December 1822.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of the letter which you addressed to his Lordship under date of the 30th of July last.

Whilst Lord Bathurst regrets the misfortunes which you have enumerated, he cannot perceive that they are in any way attributable to the Colonial Government. On the contrary they clearly appear to have arisen in common with those of other Settlers from the General failure of the Crops throughout the Colony, an evil which no prudence or foresight of the local Government could contemplate or prevent. On this point Lord Bathurst directs me further to observe that however desirable it might be to give assistance in all instances of difficulty, it must necessarily result from the limited means of the Colony that it could only be granted to those few Settlers whose absolute and pressing wants demanded and warranted immediate aid: from your statement, it certainly does not appear that you had any claim to be so considered. You proceeded to the Cape with a Capital which placed you above the class of common Settlers and consequently you could not be admitted to a participation in that pecuniary Relief intended only for that description of persons.

On the subject of the special grievances which you represent yourself to have suffered from those entrusted with the local government, as well as on that of the complaints which you prefer generally against the administration of the Laws, Lord Bathurst cannot conceive it to be possible that any Individual could have been singled out for persecution, or incessantly harassed as you represent to have been; at all events, it appears from your own statement that you never made any appeal for Redress to that Magistracy or those authorities, whom you have so intemperately and indiscriminately condemned. Had you adopted this ordinary and natural course of Proceeding, Lord Bathurst feels confident that Redress would not have been denied to you, if it had appeared that you had experienced any improper treatment; or even supposing that you had been disappointed, an appeal to his Lordship would have been more proper as an ultimate than as a preliminary measure.

With respect to the destruction of your green Forage by its remaining on your hands, you are aware that the Forage is generally obtained through the means of a competition, and that the lowest offer, provided the Parties be equally sufficient and responsible, is invariably taken, and therefore if your proposals were at an higher rate than other Tenders, it would follow of

course that their offers would be received in preference to yours, and you cannot be considered to suffer any real grievance.

With respect to the Trespass and Depredations stated to have been committed on your property by Horses and other Cattle, Lord Bathurst has directed me to observe that in a Country, no part of which is understood to be enclosed, and where Cattle can only be watched by an Herdsman, the recurrence of the evil of which you complain could have been guarded against only by enforcing, as you had the power of doing, the existing Laws of the Colony applicable to this particular casualty.

As to that part of your letter wherein you protest against the partiality shewn to the Dutch in preference to the English Settlers, Lord Bathurst cannot imagine that Magistrates, who are chiefly English, would indulge in any feelings of partiality; but, on the contrary, that they would promote the interests of all Persons without reference to Country who conducted themselves with propriety and good order.

Under these circumstances Lord Bathurst deems it altogether unnecessary to sanction the request which you have made, to be allowed to bring over your own Family and Seventeen Witnesses to this country free of all expence for the purpose of proving the Facts connected with those complaints which you have felt it your duty to press upon his attention; but even if it were considered necessary that your case should have a particular examination, there could be no necessity for conveying these Witnesses to England, as His Majesty's Government is on the point of sending to the Cape Commissioners to whom your Memorial might be referred if it were deemed to be a special case into which they found that they had authority to enquire. I am &c.

(Signed) R. WILMOT.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 17th December 1822.

SIR,—The period approaching at which the Heads of Parties who have been located in the Albany district will claim the

Grants under their agreement with His Majesty's Government, I am directed by His Excellency the Governor to transmit you the enclosed Form of Return which you will be pleased to fill in for each Head of Party with as much accuracy as possible. It will be very desirable that you visit each Location in order to ascertain personally the correctness of the returns which will be transmitted to His Majesty's Government, but should you not have it in your power to see every Location, His Excellency desires you will depute such person as you can implicitly depend upon to collect the information required, which should be furnished with as little delay as practicable. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 20th December 1822.

MY LORD,—Your dispatch of the 22nd April transmitting a petition presented to your Lordship by the Woolgrowers at the Cape of Good Hope having been submitted on the 10th of August last to the Lords of the Committee of His Majesty's most Hon'ble Privy Council for Trade, I do myself the honour to acquaint you that it appears by an answer recently returned to this department that the Committee is disposed to take a favourable view of a case which has been so strongly recommended by your Lordship, and consider that it would be adviseable to place Wool imported into this Country from the Cape, being the produce of the Colony, upon the same footing as to duties, as Wool imported from New South Wales. In the event therefore of a proposition to this effect being sanctioned by Parliament, a duty of Customs not exceeding one penny per lb. will be imposed on Wool grown at the Cape and imported into the United Kingdom during a period of ten Years to be computed from the 5th of January next.

I have &c.

(Signed) BATHURST.

[Original.]

Memorandum by MR. CHARLES D'ESCURY.

Should the Lands in this Colony and their distribution be made a point of enquiry beyond the description given of the different Tenures by which it has from time to time been held under successive administrations, the following subjects will then naturally come under consideration :

The Extent and nature of the Grants;

The proportion of Rents charged on them;

And the degree of Justice and impartiality observed in both, with regard to the Public and to Individuals.

For which purpose there is hereunto annexed Copy of a Memorandum of His Excellency Sir John Cradock, when Governor of this Colony, dated 14th June 1813, after he had received an answer from Lord Liverpool, then His Majesty's principal Secretary of State for the Colonies, to the dispatch on the subject of the proposed measure for improving the Land Tenure in this Colony, dated 4 March 1812, approving the principle and general reasoning on the measure so submitted for His Lordship's consideration, subject to bearing in mind the circumstance of the Colony being then held in possession by conquest, not finally settled, to which having directed His Excellency's attention, he was further left to the exercise of his judgment as his Local knowledge and more extensive means of information should direct. This Memorandum therefore contains a compendium of the view the Local Government had taken of this subject, and according to which it was proposed the measure should be carried into effect and made to operate, which then also was followed by a Proclamation dated 6th August 1813, also hereunto annexed.

These two documents containing the bases and principle of the measure, constitute also the rule and guide for all those whose duties are connected with the execution of it. The fundamental principle and leading objects of this measure are the following :

Reciprocity of advantage between the Crown and Individuals.

The Crown is willing to grant liberally, but expects to ensure industry as the source of prosperity and well being in return.

To secure *legal* and permanent titles to Individuals, but to prevent all illegal occupancy of the Soil.

To confirm and consolidate all legal possessions, but to trace and resist all illegal claims.

To prevent all wasteful occupancy of Land, that is not to make any grant or confirm any possession of Land beyond what an Individual can reasonably want according to his means of usefully occupying it, or what other Local circumstances shall justify.

That with respect to the conversion of Loan places, none shall be converted into grants in perpetuity to an extent beyond what is legally occupied on Loan, such as is clearly defined by ancient regulations respecting them.

That the increased Quitrent for such converted Loanplaces shall be strictly proportioned to the *fertility, situation, and other favourable circumstances of the Soil.*

That no Land shall be measured preparatory to its being granted in a manner that any waste or loss can result to the public, or injury can be done to Individuals.

That whereas the benefit contemplated is intended to be general, so must the strictest impartiality be observed towards all.

That, and it is forcibly urged, it should be impressed on the minds of these His Majesty's new Subjects to feel a due sense of His Majesty's paternal and benevolent views towards them in giving them a solid and permanent interest in the Soil, such as they never before possessed, granting it to them in full possession and property for themselves and heirs for ever, and thus by making them duly sensible of these advantages, endeavour thro' gratitude to bind the affections of the people to the interests of the Crown.

As to the *nature* of the Soil in general, Sir J. Cradock has justly observed it in his Memorandum to be extremely difficult to define by any general rules, not so much on account of the great variety of Soils, but the many peculiarities of locality affecting the uses it is to be applied to, such as situation on account of transport, demand for such or such produce, water, soundness or otherwise of the pastures either permanently or as affected by seasons whereby such Lands can maintain either every description of Stock the whole year round, or such other Lands this or that particular description for six months, another description for three months only, and a third description another period either longer

or shorter. All this in every possible change varying upon each contiguous Estate, it is clear therefore for any practical purpose applicable to the grants of Lands in general it is not only difficult but impossible to derive any aid from general reasoning, or even from an intimate knowledge of those peculiarities, because of their thus varying that there is no analogy to be depended upon between even two places the most contiguous to each other, yet such an analogy may nevertheless exist, and extend over a considerable space, but it must *be found* to be so, and cannot be taken upon trust. Whether therefore acquainted with general facts only, or possessed of a more particular knowledge of the Soil, the person engaged on behalf of Government to look into the merits of the several grants proposed must still to form his own judgment rely on the information furnished him by others from examination on the spot, he can thence only lay down to himself general rules, such as an attentive consideration and the comparing of the successive statements or reports, assisted by experience, will suggest to him. These rules applied, free from any bias that can warp his mind, will be sufficient for every useful end proposed by such enquiry, provided the Information conveyed by the Reports be fairly and impartially given, which then also points out the importance it is of that these Reports be uniform, clear, and explicit, and that the strictest compliance with the letter and spirit of their form be peremptorily insisted upon and enforced.

But here it is that habits, prejudices, contending interests, and ignorance form a host of obstacles from which most of such difficulties as occasionally occur proceed. They have however a greater effect on the *extent* of the grants than upon their *nature* and *quality*. The people are accustomed partly from habit, but partly also from necessity, to look to quantity more than to quality. They want a considerable range for their Stock, which in general is numerous, and as in common they are not industrious, they do not look for those particular qualities in the Soil a more spirited system would require. They are satisfied so they find enough useful Land within the extent they obtain to supply their immediate wants, to which that very extent serves as a Boundary without any trouble to them, and their Cattle ranging far and wide over these vast tracts, they return to their pens at night, requiring of their owners no extraordinary exertions which, materially adding

to their comforts, they are extremely averse to have them broken in upon by a more limited space. In justice however to these people it must be said that were they even most anxious for improvement, and did they possess more extensive means, in the present state of the Colony, a larger produce would in many instances not find a Market, or be at such a distance from any vent for their produce, that the expense of transport would exceed the value of the profit on the article.

Many people there are who consider that the Land is so bad that 1,000 acres, more or less, to a grant matters not. This is extremely erroneous. It is true there is much bad Land, but there are few grants made that do not contain also some very useful parts; and the many disadvantages inherent in the soil, others resulting from circumstances which time and an extension of knowledge and other incitements to industry may correct, are of themselves motives sufficient for greater attention in the distribution than the above idea implies. Moreover, such as the Land is, with all its inferiorities, it is the best the Inhabitants are acquainted with, it stands to them in lieu of the best in the world, as they have not the means of comparing, therefore it should be dealt out to them without reference to any other, such as it is, in proportion to the means they possess of making profitable use of it, and not with inconsiderate profuseness, such as is too frequently recommended or sanctioned by the Reports upon it. But after all, Land that will produce from 12 to 50, 60 fold, cannot be so very bad. The inferiority in fact exists only in the grazing Land, which in most parts is more a browsing than grazing, and the noxious qualities of some plants, rendering change necessary, therefore adds to the extent required. These disadvantages may in time be corrected, for instance the plant, as yet unknown, that occasions the lame sickness, never returns on Land once ploughed up, so other expedients may in time be discovered, and preventives or antidotes found out; a better description of pasture, by means of artificial grasses, or other substitutes may also be introduced.

This Colony is quite in its infancy as to any extensive knowledge of its resources, and the disadvantages it suffers from are for the most part as yet known only *by their effects*. No Colony ever laboured under greater disadvantages as to calling forth these resources, or ascertaining their nature and extent; it is only, comparatively, within these few years that anything like en-

couragement has been given to industry ; the present generation therefore, wedded to its sluggish habits and prejudices, will contribute but little improvement, but for that very reason it would seem that the distribution of the Land should be the more provident, and to which the importance attached to such provident distribution throughout the various discussions on the measure, the favourable idea entertained respecting this Colony in England, and the encouragements given to migrations hither, are so many additional motives. And moreover the consideration that so much of the most useful Land, because including most of the water, is locked up in extensive Loanplaces that *must* be granted, whereby the remainder becomes the more valuable and necessary to be husbanded, adds another powerful argument to the former.

Whereas then an extensive range not only, but a diversity of situations is most generally required, no inference as to such extent in proportion to a given quantity of Stock can be drawn from any comparison between this and other countries, but notwithstanding it must not be made the plea for a wasteful disposal of the Soil, and altho' no comparison can well be made between this and other Countries, *it can doubtless have a standard of its own* that will regulate the proportion between the extent of Land, according to its quality, situation, &c., and the means of an applicant. But in this particular there is no more discretion shewn by the Local Magistrates than by the farmer. The former has not yet learned to attach the proper value to the title now granted with the Land, which is no longer temporary, but alienates the soil for ever, he does not in that respect look beyond the present moment more than what the farmer looks beyond his own personal interest, and the farmer will not cease to ask for more than he wants so long as the Magistrate does not attempt to check him, from which combination of causes there results that the grants are always large, and that frequently they have been made far beyond what circumstances demanded. And it is that which led to require that the capability of the Land, the description of Stock, and for what periods the Lands can maintain it, should be correctly stated, which when compared with what an applicant is possessed of, and both these compared also with the capability of the Land he may at the time of the application already occupy, forms a considerable, tho' not a complete check, to such excessive

grants, and certainly since that has been more strictly acted upon, the facility of obtaining *second* or more grants has been considerably less.

With respect to the proportion of Rent imposed on the several grants.

This subject is both interesting and important, from its immediate connection with the revenue, and from the feelings it excites in the Colony.

It cannot be disguised that there is a very considerable leaning on the part of the Local Magistrates towards the Inhabitants, and not infrequently a partiality shewn by them towards Individuals, for both which their having to report on the Lands asked for affords the greatest facility, and it is impossible from the secluded situation of the Magistrates in those remote parts, living as it were among the farmers, and no doubt frequently dependant for comforts on the interchange of good offices with them, that their minds should not contract some bias, or that they should be entirely divested of those prejudices that prevail so generally around them, but which are easier counteracted than removed. Wherefore then also the Reports must be, and are closely watched by means of the proper office appointed to examine them.

The connection the rents have with the revenue is self evident, but as the quantum of rent to be imposed on each grant is very essential and demands most serious consideration from the effects it produces on the general feelings of the Inhabitants towards the Government, the grand object therefore should be *to observe the most scrupulous impartiality*, for it touches immediately and most sensibly on their interests. It is natural to suppose that they do not yet feel easy under the different new regulations respecting the occupancy of the Land, the advantages of which are mostly in themselves progressive, and have reference to *future* more than to immediate benefits, and these good people are not, the generality of them, in the habit of looking beyond the moment. It is very true that most of the restrictive regulations now enforced are of very ancient dates, but that was evidently done more with a view that they should not be considered entirely obsolete, in order to be acted upon *when circumstances should call for it*, than to enforce them at the time; but they were virtually dormant as far as the perceptions of those people went. The introduction of a fixed and permanent tenure required that all these till then passive

regulations, tending to restrict that indiscriminate occupancy that had become so general, should be made active, in order to look into the claims of Individuals and to distinguish between public and private property previous to any distribution of the Land being begun upon. These restrictions then, succeeded by *Rents*, however moderate, for Land they had paid nothing for before, and occupied as they liked, the increased recognition or new rents for their Loanplaces, the expenses they must incur for their Inspections and Surveys, all these necessary consequences of a measure which, altho' intended for, and certain in the end of being productive of substantial benefit to them, they did not at first, and probably many do not even now, comprehend, nor view them as such, and therefore these measures have on their minds the effect of innovation and hardship, and give rise to such prejudices as no power of reasoning adapted to their faculties can remove. It is natural therefore also, that their minds, thus prepossessed, should look upon the rents they are charged with, not in the light of reciprocity on their part for the grant in perpetuity with every other benefit attached to it such as they now receive, but as a *Tax* which they do not examine in relation to the value of the Land, but in the abstract, except where they have an opportunity of comparing it with that rated to *others*, when their feelings are quickened to the utmost degree of jealousy; this comparing takes place on every occasion when a new grant, or set of grants, comes out to the districts where the Land so granted is situated, when those who are pleased with their shares ascribe their *good luck* to the *Local Magistrates*, while the dissatisfied *blame the Government* for the cause of their disappointment, consequently the Government have no share in the *gratitude*, therefore also not in the *good will* of the Bulk of the population for that which constituting to them the most extensive source of their well being, should for that very reason, on the contrary, be the principal link that attaches them: a circumstance which seems clearly to point out the high and paramount importance of the most scrupulous impartiality in whatsoever relates to the distribution of the Soil in general, and in the mode of apportioning the rents in particular. All that will be necessary here to say on this last point is that it has not been overlooked, either by the office whose immediate duty it is to draw the attention of Government to whatsoever appears to be important respecting the Land Tenure and the

appropriation of the Soil, nor by the Government who have given to it their attentive consideration. Yet such is the difficulty found in it, and the numerous considerations it involves, that to lay down a fixed principle, subject to the various and varying circumstances as shall produce a fair and equal apportioning of Rent, in proportion to the nature and capability &^{ca} of the several grants, remains still a desideration most important to attain. The hereunto annexed Documents will place the subject in a clear point of view, and shew the investigation and discussions it has undergone.

With respect to the impartiality in the distribution of the Land and the rent attached to the several grants.

The foregoing observations sufficiently shew that this is by no means so perfect as the importance of its being so requires. In many instances the extent of the grants in proportion to the means of Individuals, and the uneven rates of Rent in proportion to the nature and extent of each grant, and in the comparison between particular grants, is striking, altho' these are not supposed to have *always* proceeded from intentional partiality or favour, still there are frequent instances in the many reports which from time to time come in that cannot be otherwise interpreted; but whether this partiality, or from whatever other cause, the fact of *distinction* remains, which by its effects causes that the benefit intended to be general is often in its distribution rendered partial, which then also in those instances must cause jealousy and discontent; and a proportionable alienation of those sentiments of affection which, particularly in an acquired Colony, are so essential to produce and to cherish, both for the good of the Colony itself and for the general interests of the State. And whereas such unfriendly feelings but too rapidly increase and spread, so it seems of the utmost consequence that whatever can give rise to them should be prevented, and whatsoever can have a contrary tendency be diligently applied. Then what is more likely to do so than the strictest impartiality in whatsoever relates to a subject in which, as has before been observed, the bulk of the Population are so immediately and deeply interested, and which, as it so easily excites their jealousy in the one instance, so in the other will it with equal earnest produce confidence and affection towards the Government, and by preventing the causes of jealousy and envy between individuals substitute in their stead cordiality and

good will, and thus secure in the most effectual manner every public and private interest.

If the view taken in these observations be correct, it becomes essential to secure its object, and in order to do so effectually two things seem necessary.

First. A mode to be devised for a more equal apportioning of the rents according to the nature &^{ca} of the several grants, which when established there will be an ample check in the existing office, both upon the Local Magistracy and upon the monopolizing habits of the people, operating effectually without wounding the feelings of either. The *Second.* A greater responsibility to be attached, and a more effectual check than what now exists, put upon the *making of grants*. The several minor motives that might be adduced in support of this latter suggestion would possibly not be deemed sufficient to justify the responsibility incurred by it, altho' among these would be numbered the consideration that every instance of deviation from the strictest impartiality on the part of the Government affords such an example to the subordinate authorities, which, tho' not justifying to themselves to plead, must do away on the part of the Government the power even to reprove them, and materially lessen the effects of every other check elsewhere endeavoured to be given to it, for which reason four distinct cases are herewith annexed, which it is supposed will fully establish the expediency of such a check, at least warrant the suggestion.

The Cases here alluded to are:

1st. The grant to Mr. William Proctor of the Government Farm Bonteberg on terms very different from those directed by Lord Bathurst who had permitted the grant, and while another Individual has a claim to part of the Land, by virtue of a legal contract entered into *with the concurrence of the Government*. That Individual having been unlawfully dispossessed by Mr. Proctor, he petitioned His Excellency on the subject, but was referred to the *Courts of Law for redress*. The Inspector of the Government Lands and Woods, previous to the grants being finally made, laid the whole of the transaction before His Excellency, in order to shew the hardship of this Case and to point out the reflection this decision would be likely to cast on the Government if persevered in. However it was persevered in, the grant passed, and the Individual left to recover that by an

expensive Course of Law to which he had a legal right, and which it was in the breast of His Excellency to have decided upon without any sort of form. The subject of the terms of the grant to Mr. Proctor was not referred to the Inspector, who thence had no opportunity of submitting the objections he would otherwise have felt it his duty to do.

2nd. A grant of 20,708 acres of Land to a person of the name of Redelinghuys, in addition to his two Loanplaces, and some contiguous Lands to the injury of other individuals who wished to have shared it, while said Redelinghuys *did not want it for his own Stock*, which was not by any means sufficient for it; this together with other grounds of objection was shewn by the Inspector, and confirmed immediately after the grant (which was notwithstanding made) by said Redelinghuys *actually selling this extensive grant* and even other Lands also which he held besides. As soon as he (Redelinghuys) had learned the decision on this grant, and long before it was made out, Redelinghuys applied for another far more extensive and valuable, the ceding of which to any one Individual would be extremely injurious to all the surrounding Landholders, since it is a place of refuge not only, but the only chance they have for saving their horses during the distemper season, which shews itself more or less every year, and some years proves most destructive, is by sending them to this Place, which is a mountain of great elevation and vast extent called the *Hantam Mountain*. The Inspector represented these circumstances in the clearest and strongest manner, he pointed out the tergiversations of the Local Magistrate upon this subject. Yet notwithstanding on the very day the foregoing grant was signed an order was sent for the measuring of this extensive and invaluable spot. And His Excellency's willingness to comply with said Redelinghuys' wishes communicated to the Magistrate provided (it was added) other Individuals did not suffer from it; than which, and to what a ruinous extent, they had already been proved to do in a most irrefutable manner, yet it was now to be determined anew by this very magistrate, who had already proved himself so pliant to said Redelinghuys' wishes. The dilatoriness of this Magistrate has hitherto saved that Neighbourhood from being put at the mercy of this Individual, and as he has since resigned there remains a hope that this grant will ultimately be prevented.

3rd. Mr. P. L. Cloete, a gentleman of considerable property in the Colony, obtained from His Excellency a very extensive grant of Land on very easy terms, a few days previous to His Excellency's going to England in 1820. During His Excellency's absence, Mr. Cloete applied for and obtained from the Acting Governor Sir R. S. Donkin, another grant, not so extensive but particularly valuable to *him* from its uniting and consolidating a number of scattered patches of Freeholds, which it surrounded and intercepted. Within the limits of this Land is a large sheet of water, to which people from Cape Town, and others used to resort for the recreation of wild fowl shooting. The Inspector, in his notes on the Report, recommended that this right should be reserved to the public, since it could in no ways be injurious to the interests of Mr. Cloete either present or future. His Excellency the Acting Governor was pleased to approve of the suggestion, and to direct that a clause to that effect should be entered in the grant, which was done accordingly. No sooner had His Excellency the Governor returned to the Colony but Mr. Cloete addressed him, complaining of the *rent* attached to the grant, which however was a very moderate one, but felt himself particularly aggrieved at the restriction reserving to the Public the right abovementioned. The application was referred to the Inspector, who shewed every claim Mr. Cloete had set up to an exclusive right to this sheet of water to be groundless, and recommended the application to be rejected; instead of which the restrictive clause *was ordered to be erased from the Title deed*, so that Mr. Cloete's private interest with His Excellency, seconding his wishes, prevailed against all that had been urged in behalf of the Public.

4th. Mr. Parker had bought of Government an Estate consisting of 3,148 Acres, a good House, and outbuildings for the Sum of Rds. 13,333. The Sale of this Estate stood in connection with, or rather formed the principal part of a combined transaction, so that the proceeds of it were meant to be appropriated for the completion of the object proposed. The price obtained by public bidding was a favourable one, and the security taken for the payment unquestionable. The Plan proposed was therefore put in progress, and completed. When the natural restlessness of Mr. Parker's disposition made him desirous to be off his agreement, after *two years* had elapsed and that he had not fulfilled any part of it, when he found means to prevail on His Excellency

to release him from every engagement, to acquit him of the payment of whatsoever sums he owed for transfer duty, reserved Rent, &^{ca}, and to discharge his Sureties from every obligation on his behalf. Thus taking back the Estate so well, so securely sold, which now is worse than a blank to the Public, while the amount for which it has been sold, and which upon the solidity of the sureties pledged for the payment, had actually been expended for the object first proposed, must now be supplied from some other source or be drawn for on the Treasury. If circumstances like these, of which the different details are given in the annexures, can be reconciled, those of minor import will have no weight, and the consequence must become fatal to every principle upon which the measure respecting the Land Tenure here is founded, the apprehension of which, and of what may result from it, is the reason of bringing it forward as a motive for establishing a greater check than what now exists on the grants of Land, which could not with any degree of propriety have been suggested, without shewing some strong ground for doing so.

(Signed) CHS. D'ESCURY,
Inspector Government Lands and Woods.

CAPE TOWN, 20th December 1822.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* MR. D'ESCURY.

COLONIAL OFFICE, LONDON, 20th December 1822.

SIR,—I have received and laid before Earl Bathurst the letter you addressed to me on the 19th of September last setting forth the reasons which have induced you to solicit his Lordship's Interposition with a view to ameliorate the Situation in which you find yourself at the Cape of Good Hope; And I am directed to acquaint you in answer, without entering upon the specifick circumstances which you have brought under his Lordship's notice, that it will form part of the Business of the Commissioners about to proceed to the Cape to direct their attention to the various branches of the Colonial Establishment, and in the course

of their proceedings the adequacy or inadequacy of the Salary attached to the office of Inspector of Government Lands will be fully considered with reference to the Labour and Responsibility of the appointment and the state of the Finances of the Colony.

I am &c.

(Signed) R. WILMOT.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* MAJOR PIGOT.

COLONIAL OFFICE, LONDON, 20th December 1822.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your Letter of the 27th of August last, and in answer to express the Satisfaction of his Lordship in learning that you had been enabled to keep your party of Settlers together notwithstanding the difficulties with which you have had to contend during two seasons equally disastrous to the Settlers and to the Established Colonists. His Lordship is happy to find that the Proclamation of the Colonial Government respecting Testamentary devise of Property has given an Excitement to the Industry of those who had felt any degree of Discouragement under the provisions of the Colonial Law upon this Subject. His Lordship trusts that the appearances which have promised an abundant Crop for the present Year will be fully realized, and that the measures taken for embodying a proportion of the Inhabitants of Albany to assist the Military in protecting the district will effectually prevent a repetition of the Outrages which his Lordship laments to find have been committed by the Caffre people.

I remain &c.

(Signed) R. WILMOT.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to
ROBERT WILMOT, ESQRE.

LONDON, 21st December 1822.

SIR,—With reference to our letter of the 10th instant submitting for Earl Bathurst's consideration the terms proposed by Captain Clarke of the Ship *Madras* for conveying us to the Cape of Good Hope, we have now the honor to inform you, that having entered into a negotiation with Captain Betham of the Ship *Lady Campbell* bound to India, we have succeeded after considerable sacrifices of personal convenience, in procuring a passage in that vessel for ourselves, our Secretary, and four servants, to the Cape of Good Hope for the sum of one thousand guineas, exclusive of fifty pounds for the freight of our furniture &c., making together the sum of £1100. Upon a comparison with Captain Clarke's terms it will be seen that we have effected a reduction of £150.

In submitting our agreement with Captain Betham for Earl Bathurst's approval, we beg leave to state, that in this as in every other negotiation in which we have been engaged, we have invariably found, that the charge for conveying us to the Cape has been made by the Commanders with reference to the increased rate of insurance demanded of late by the underwriters for ships touching there, as well as to the prolongation of their voyage to India in consequence of the deviation from their direct course.

These considerations will account for the agreement having been made for a round sum.

The *Lady Campbell* is under an engagement to sail from Portsmouth on the 15th January next. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY *to*
ROBERT WILMOT, ESQRE.

LONDON, 21st December 1822.

SIR,—We beg leave to enclose for your information a note that we received last night from Mr. Harrison, in answer to an inquiry which we made respecting arrangements for the present advance and future payment of our Salaries, as well as the contingent charges of the Commission until our services are terminated.

As you will observe by our communication of this date that the Captain of the *Lady Campbell* has engaged to sail from Portsmouth on the 15th January next, and as it appears by the tenor of Mr. Harrison's note, that he is not prepared to enter into any consideration of these arrangements until he receives a distinct and official communication from the Colonial Department, we think it our duty without delay to apprise you of this circumstance, for it appears that the communication which Mr. Chapman held with Mr. Harrison previous to your departure from London has not led to any ulterior proceeding.

With a view to prevent any misconception of the provisions contained in our original memorandum, and which may not be immediately within your reach, we beg leave to restate them.

Having understood from you that a reduction of £1000 per annum in the Salaries proposed by us of £4000 would be made, and a reduction of £500 from that proposed by the Secretary viz. £2000 per annum, we submitted that we should be allowed to draw for these salaries by Bills on the Lords of the Treasury, as well as for expenses incurred for removals by sea and travelling charges within the Colonies which we are destined to visit, including also the pay of such clerks and interpreters as should be found indispensably necessary for the business of the Commission, together with the expense of purchasing books and maps which are essential to it.

The question of outfit alluded to in Mr. Harrison's note, will we trust be noticed in the communication that we have now the honor to request, and upon this subject we beg leave to impress upon your mind that from whatever sum may be granted to us in this shape,

an immediate and preliminary deduction of £300 will be made from each Commissioner on account of Stamp duties and Fees, with a proportionate deduction from any sum advanced to the Secretary.

Having stated thus much we beg to submit for the consideration of Earl Bathurst the heavy expenses that we necessarily incur in providing for so distant an undertaking, the accumulated expenses attending repeated removals and the period during which we have already been engaged in official preparations for the objects of our Commission. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from STEPHEN LUSHINGTON, ESQRE., *to*
ROBERT WILMOT, ESQRE.

TREASURY CHAMBERS, 23rd December 1822.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 30th Ulto. requesting that an extra charge for an additional clerk in the office of Land Revenue at the Cape may be allowed in the accounts of the Colony in consequence of an augmentation of business, I have it in command to acquaint you for the information of Earl Bathurst that my Lords have been pleased to direct the Colonial Auditors to allow the charge in question, but their Lordships trust that it will not be continued longer than the extent of the business may render this extra assistance necessary. I am &c.

(Signed) S. LUSHINGTON

[Original.]

Letter from Mr. WILLIAM PARKER to EARL BATHURST.

10 ADAM STREET, ADELPHI, 25th December 1822.

MY LORD,—I most respectfully inform Your Lordship that since my arrival in London I have accurately ascertained that Colonel Bird the Colonial Secretary at the Cape of Good Hope was educated at Stonyhurst where his Brother is still one of the active leaders of the Jesuits and in constant correspondence with the organ of the Protestant Government at the Cape. Colonel Bird had one of his Sons educated at Stonyhurst and placed on Lord Charles Somerset's personal staff. He had also another young man of the name of Whitham of a Roman Catholic family in Yorkshire introduced into the Colony from the College at Stonyhurst, where more of Colonel Bird's children are in training for subverting the Protestant Religion. It was generally reported that Mr. Whitham through Colonel Bird was to have been made a Member of the Court of Justice. If my Lord to these circumstances be added the very notorious facts of three Papists being placed as *Political Commissioners* over the Churches in the Districts of Albany, Zwellendam and Tulbagh, your Lordship can no longer hesitate from the veneration you must have for the Religion and Constitution of England to dismiss Colonel Bird. I can place documents in your Lordship's hands not only confirmatory of the facts of these Landdrosts and Political Commissioners being either the relatives or friends of Colonel Bird, but that he, without giving those securities required by the British Laws and Colonial usage, should act as Chief Secretary of the English Protestant Colony of the Cape of Good Hope.

From the moment I acquainted him with my loyal and constitutional principles in the maintenance of which my forefathers fought and bled, and were instrumental in placing the present illustrious Royal family on the Throne of Great Britain, I was visited with every official persecution. Sir Rufane Donkin, weak, inconstant, and vacillating in his conduct professed himself to be on all occasions under the influence of Lt. Colonel Bird. The Colony was sunk in all the miseries of civil and religious darkness, while *Popery* was visibly ascendant in every measure of the Colonial

Government. Respecting as I most sincerely do Your Lordship's and Lord Charles Somerset's sound constitutional principles, and as I fully convinced His Excellency of his being misled by the wiles of a Jesuit, which had for so many years made his administration so unpopular, as I candidly told his Lordship, I humbly hope that Your Lordship on your coming to town will honour me with an audience.

Before the Commissioners proceed to the Cape, I submit to your Lordship your procuring me an interview with them. I can show them the form and pressure of the Public Authorities at the Cape and of those official men, in whom confidence can be placed as sincerely attached to British Interests and competent to do credit to the English Government.

Firm in these principles I thank God, that I inherit from my revered Parents, I boldly resisted the machinations of a Jesuit to drive me to desperation. I clung to the cause of truth and justice with a desperate fidelity. By doing so, My Lord, I have brought my large family almost to ruin having lost full £3000 St^s in the unfortunate expedition to South Africa, besides nearly four years of the most valuable period of my life.

When Lord Charles Somerset has assured me that your Lordship was totally unacquainted with the *the truly pernicious tendency* of Colonel Bird's principles and when His Excellency only became acquainted with them through my severe sufferings in South Africa, Your Lordship will stand high in public opinion on this most important subject, as the Lieut. Colonel was Deputy Colonial Secretary before Your Lordship or His Excellency entered on your important official duties. I have reason to think that the principles of the Deputy were well known to those who were at the time instrumental in his appointment.

Your Lordship from the strength of my private and public recommendations to You, must be well aware of the respectability of my connexions, and I humbly submit, that I have given ample proofs of my constancy in affliction.

My losses during the War from the operations of the Orders in Council, which were so ruinous to many individuals and the great and wide spreading distress in Ireland have been indeed *most severe*. The first fact is well known to the Earl of Liverpool and the latter to Mr. Peel through my esteemed Parliamentary Friends, and Your Lordship is fully informed of the destruction of all my

property and all my hopes in South Africa, *from that moral depravity* for which History informs us the Jesuits have been so politically notorious.

A noble Friend of mine venerable for his virtues and the general benevolence of His Lordship's character since my return has declared to me, "You have indeed nearly become a martyr to those Protestant principles, which are the bulwarks of civil and religious liberty, but the hand of God has protected you to expose in this land of freedom the evils of Popery in government." In this task I am now deeply engaged, and my Pamphlet in the Press, as soon as it appears I shall have the honour to transmit to Your Lordship. I have &c.

(Signed) WM. PARKER.

[Copy.]

Instructions respecting the introducing, permitting, and apprenticing of Bosjesmen in the district of Graaff-Reinet.

Article 1.—At the next ensuing Opgaaf every Inhabitant with whom any Bosjesman's child resides shall be obliged to mention the same with his Opgaaf, state the name and age of such child, the manner how it came into the Colony, and when and on whose authority it has been placed with such individual, whether the mother is still living, and where she is; accompanied with such documents of a Magistrate or Field Cornet as, in case of doubt, would satisfy the Landdrost of the truth of the statement. Such of the Bosjesmen children who from long residence have mixed with the Hottentots, and have been considered as such, and who have as Hottentot children been apprenticed among the inhabitants by any of the Landdrosts, are not here included; in future, however, this mixing of these two descriptions of people shall not be permitted, but the registers of them be kept separate.

Article 2.—When at the Opgaaf it shall appear that the individual comes fairly by such child, and has, according to the Proclamation of 1817, maintained and brought up such child, it shall then, conformably to such proclamation, be apprenticed to such individual by agreement between the Magistrate and the

Master, made in duplicate, according to a form herewith annexed, which agreement then also must be registered in the manner here annexed, and a copy of which shall be transmitted at the end of the year to the Colonial Office.

Article 3.—Such children who according to the first Article shall have been returned, but who have not as yet been maintained by the individual returning them for the period specified by said proclamation, shall also be put on the register, in order, after the expiration of said period, to be regularly apprenticed.

Article 4.—When however such children shall be found in the possession of persons on whose good treatment of these children the Magistrate should entertain doubts, they shall forthwith be placed under better care; when in the Register in the column of remarks such changes must be noticed, referring to the journals in which the particulars of this change can be found.

Article 5.—The manner in which Bosjesmen's children may be received according to said Proclamation: these presents further direct that all such children as may hereafter be received from their parents or others must be brought to the Landdrost or Deputy Landdrost within a month after having been so received, together with a certificate of the Field Cornet that they have been obtained as prescribed by the said proclamation, when such children shall also be registered and dealt with according to the Proclamation.

Article 6.—Such persons who have Bosjesmen's children in their possession, and do not return them at the first Opgaaf according to the first Article of the present publication, and also those who shall hereafter receive such children and not produce them according to the 5th Article, within the month, to the Landdrost or Deputy Landdrost, they shall lose all claim to such children, who on no account shall be permitted to remain with them, but immediately on being discovered be removed by the Magistrate, and placed with other persons, and there finally be apprenticed.

Article 7.—It is to be well understood that Bosjesmen's children who live with their parents at such of the inhabitants are not included in the foregoing, and consequently they cannot, without the consent of their parents, be apprenticed.

Article 8.—At the first Opgaaf after these presents every inhabitant shall state the names of the Bosjesmen and women who

live with them, together with their children, and who have a fixed residence in the Colony, expressing the terms upon which they so reside with them, and what remuneration they receive for their services. Among these are not to be reckoned those who, by a long residence in the Colony, are considered as belonging to the Hottentots, and have as such entered into agreements with the inhabitants.

Article 9.—Of such returns a Register is to be formed; but such Bosjesmen and women shall be at liberty, so long as they are not registered, to remove with their children, either to change the place of their residence, or return to their country, provided they ask leave to do so of the Landdrost or Deputy Landdrost, in order to have it entered in the register whither they go.

Article 10.—When such Bosjesmen or women, after having been any time in the colony with their children, are desirous to enter into an agreement with any of the inhabitants, it must be done with the consent of the Landdrost or Deputy Landdrost, who shall previously satisfy themselves that such Bosjesmen and women understand the import of such agreement shall be considered equally binding as that entered into between the inhabitants and Hottentots, and the parties shall be subject to all the laws of the colony respecting it.

Article 11.—All such Bosjesmen who in future shall come to reside within this district, shall within the month be shown to the landdrost or deputy landdrost, in order to be registered according to the ninth article, and be treated as directed by the three preceding articles.

Article 12.—Whenever in future it should unfortunately happen that plundering and murdering Bosjesmen's kraals must be pursued, all those who as usual are made prisoners, or follow the commando to the colony, and who cannot, like the actual plunderers and murderers, be tried according to the laws, are to be produced to the landdrost or deputy landdrost, within a month after the return of the commando; when the orphan children are to be put out with respectable and humane inhabitants, and treat them according to the spirit of the proclamation of 8th August 1817, always putting them on the register mentioned in the second article, while the remainder are to be disposed of as much into the interior of the district as possible, and there placed under the superintendence of those who will receive them, and treat

them well. In this distribution care must be taken that men and their wives, parents and children, are not separated, after which they are to be considered and treated upon the same footing with those mentioned in the four preceding articles of the register made; there shall also annual copies be transmitted to the colonial office.

Article 13.—When Bosjesmen, who have, according to the fifth article, obtained a residence in the colony, should leave the colony either with or without the consent of the magistrate, and afterwards be found among a gang of plunderers, they shall then not be treated with the same leniency as before, but be prosecuted by regular process, and according to circumstances be banished for a number of years to Robben Island, or to such other place of security as his Excellency the Governor shall direct.

Article 14.—Any one neglecting to make the return required by the eighth article, or prevent any unengaged Bosjesmen to remove, with the consent of the magistrate, according to the ninth article, or detain any newly-arrived Bosjesmen longer than a month, without producing them to the landdrost or deputy landdrost, according to the eleventh and twelfth article, shall forfeit a sum not exceeding fifty rix dollars, for every Bosjesman and woman so detained.

(Signed) A. STOCKENSTROM, Landdrost.

GRAAFF-REINET, 26th December 1822.

[Copy.]

Reply to the Memorial of MR. D. P. FRANCIS, again praying that the Land applied for in his Memorial of the 3rd Instant may be granted.

“His Excellency the Governor regrets that he cannot comply with this application without breaking through a regulation laid down by His Majesty’s Secretary of State, which directs that the titles shall be given only after the locators shall have occupied their Lands three years, and His Excellency is of opinion that it

would form an inconvenient precedent in Albany to break through this direction."

Colonial Office, 27th December, 1822.

By His Excellency's Command.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 29th December 1822.

MY LORD,—Having it in contemplation to submit to His Majesty a Plan for the revision of the Royal Instructions under which your Lordship and the other Governors of His Majesty's colonies are at present acting, I am desirous to receive such Suggestions on this subject as your Experience and local knowledge may enable you to make.

You are aware that the Royal Instructions under the Sign Manual and your Commission as Governor of the Cape of Good Hope, are framed in general, upon the precedent of Instructions issued by His Majesty's royal Predecessors at remote periods, although continued variations have been made for the purpose of adapting these Instructions to the progressive alterations both in the laws of the Empire at large, and in the conditions of particular Colonies; yet it is apprehended that several clauses have been retained which are either obsolete or at variance with the recent changes in the System of Trade and Navigation, or which have fallen into disuse, or have been proved by Experience to be inconvenient and inapplicable to the present times.

In order to bring the details of this subject so far as it respects the Colony of the Cape of Good Hope, more clearly under His Majesty's Notice, I am to desire that your Lordship will transmit to me a full and literal copy of the Instructions under which you are now acting, transcribed in such a Form as to leave ample space in the Margin, or parallel column, for such remarks and suggestions as you may think it necessary to make.

I am further to desire that your Lordship will attach to each

paragraph of your Instructions when thus transcribed a marginal note stating "Seriatim" which of them has become obsolete, and which have been found to be inconsistent with the present state of the law or practically inconvenient; wherever any remark of this sort occurs, you will further state the nature of the alterations which you would deem it expedient to make: and where it does not appear to you that any change would be usefully introduced you will note that paragraph or passage of your Instructions as "unobjectionable."

In order to effect these objects with the greater accuracy you will confer with the principal officers within your Government in the various departments of the Law and the publick Revenue, and with any other persons possessing extensive local experience and information as to the nature of the alterations which may be deemed expedient.

Your Lordship will be pleased to transmit to me in the form already pointed out, the result of your Reflections and Enquiries on this important subject with as much expedition as the nature of the Case will reasonably admit. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* SIR RUFANE
SHAW DONKIN.

COLONIAL OFFICE, LONDON, 30th December 1822.

SIR,—I have received Earl Bathurst's directions to acknowledge the receipt of your letter of the 29th September last, and to reply to the observations which you therein submit for his Lordship's consideration with reference to a paper containing "Remarks upon certain Grants" made by you during the Exercise of your Authority as acting Governor of the Colony of the Cape of Good Hope.

Lord Bathurst does not consider it necessary to remark upon the case of Individual Grants, except that in the one made to Lt. Col. Bird near the Custom House in Cape Town his Lordship

intends specially to refer the Examination of the local circumstances belonging to it to the Commissioners of Enquiry who are on the point of proceeding to the Cape, that he may receive their report as to whether its location to Colonel Bird may ultimately be attended with detriment to the publick Interest. But it is to the principle on which you profess to have acted that Lord Bathurst has directed me to express his opinion.

You state that you have only exercised in the ordinary way the powers entrusted to every Governor: "that you considered yourself as the King's Servant and Representative and not that of any other person: that you held the Government on your own responsibility and in your own name, and that you took a solemn Oath to execute *all* the duties and did execute them all."

There can be no doubt that in theory many of these observations are perfectly correct and that as far as mere abstract power inherent in the office of a Governor (whether with a temporary or permanent appointment) is involved, you had the full power to reverse instantly every *reversible* act of the Administration of former Governors: but such a summary and unexplained mode of proceeding would itself have been immediately checked and reversed by a superior power, the Government at home. And on the same principle I am directed to inform you that had Lord Bathurst been aware of the grounds on which you were acting with respect to the remuneration of old public Servants, by the donation of Grants of Land, he would unquestionably have found it his duty to check and Reverse such an inexpedient assumption of Patronage. Lord Bathurst does not consider that the short period during which you had administered the government could possibly have qualified you upon your own opinion and responsibility to apportion Rewards for publick services that had occurred previously to your entering upon that government. Although you exercised the full powers of the Government, it is equally unquestionable that you only held the office during the absence of the Governor who continued to receive half his Salary. You must at once perceive that if considered abstractedly, it were a proper proceeding on your part as acting Governor to have remunerated the old publick Servants of the Colony for services, it follows necessarily that the omission of such a duty by your Predecessor was an improper neglect, and in such a case you ought in the first instance to have reported to Lord Bathurst the presumed

claims of those publick Servants, of which the absent Governor had not in your opinion been fully aware, and to have left it to his Lordship to decide upon the merits of the difference of your opinions, and to have expressed His Majesty's pleasure that your suggestions should be complied with provided they had been deemed reasonable and fitting.

His Lordship has directed me here to advert to your dispatch to him of the 12th of January 1820, announcing that you had received the charge of the government of the Cape and stating that you were impressed with the belief that the most likely means to obtain the approbation of his Lordship during the time you might hold the situation would be by "adhering to the general system and by following up the plans of Lord Charles Somerset."

Under these circumstances it was impossible for Lord Bathurst not to suppose that you would proceed to administer the Government in all its branches with reference to the authority which was at no distant time to be reassumed; and it was naturally to be expected that you would have refrained from performing any executive act directly hostile to the spirit of the former administration. Yet you were not on the other hand in the slightest degree precluded by your expressed approbation of principles on which that administration had been conducted from offering such remarks or remonstrances against its Proceedings to the Secretary of State as a sense of your paramount duty to His Majesty might appear to you to make necessary.

You will distinctly observe that it does not follow from the foregoing observations that during your Temporary Administration of Affairs you were not perfectly justified in giving large Grants to Persons with Capital, or in giving small Grants "gratis" for the improvement of the Colony; but this would have been utterly distinct from the political Act of taking upon yourself to remunerate publick services and those even of a date anterior to your assumption of the government without special reference to the Secretary of State for the Colonial Department.

With respect to informality of your not having applied to the Landdrost and Surveyor of Lands for a Report upon Grants &c. directed in Lord Bathurst's dispatches of the 18th February 1814 and 25th November 1815, it may be pleaded that the complete change produced by the influx of Emigrant Settlers might be con-

sidered as justifying the omission of Forms prescribed under another state of things ; but such omission can only be warranted in the case of Emigrant Settlers and of no others. You must be aware that such Forms and Authorities are necessary for the due dispatch of publick Business, and were not merely directed for the Governor's information, but for the prevention of inconsiderate Grants which Governors might make from inadvertence or any other possible cause.

Lord Bathurst does not consider that it is a satisfactory Explanation to allege that your own personal opportunities of Knowledge were, from circumstances, superior to those of the Landdrost and Surveyor of Lands. Such a principle would be destructive of all regularity in publick Business, it would destroy all inferior responsibility, and confound the relative duties of Superior and Subordinate officers. But under any circumstances it was incumbent upon you to have recorded your own special reasons for making Grants contrary to Regulations which had received the sanction of His Majesty, and you would then have been relieved from the annoyance which you must have felt in not being able to account for many of these Grants, except by stating generally that you were satisfied that they were duly considered by you at the period when they were conferred.

With reference to this part of the subject Lord Bathurst has directed me to enquire from you why you have omitted to report those Grants to his Lordship in conformity with the special Injunctions to that effect contained in his Lordship's dispatch of the 9th May 1815, by which omission his Lordship has remained in perfect ignorance of this important exercise of your ministerial functions ; and I am also to remind you of a paragraph in his Lordship's dispatch of the 18th February 1814 which provides that no grant can be considered as *valid* which has not been communicated (under certain Forms therein specified) to His Majesty's Government and received the Royal approbation and confirmation.

I have &c.

(Signed) R. WILMOT.

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope for the year 1822.

REVENUE:

	Rds.	sk.	st.
Balance	183,742	7	2 $\frac{7}{13}$
Lombard bank	84,493	5	1
Discount bank	48,837	5	4
Vendue duties	170,758	7	1 $\frac{1}{2}$
Customs	336,940	5	0
Land revenue	98,979	5	3
Tithes and transfer duties	398,655	2	4 $\frac{1}{2}$
Stamps	145,953	6	0
Sequestrator's department	41,614	6	0
Printing department	22,013	4	0
Commando tax	57,990	6	0
Port dues	14,337	5	0
Postage	26,080	5	0
Fines	50	0	0
Fees of offices	101,311	7	0
Do. wine taster's department	18,715	2	0
Annual repayment by Stellenbosch	3,000	0	0
Miscellaneous receipts	1,552	3	0
Rds.	1,755,029	2	4 $\frac{7}{13}$

EXPENDITURE:

	Rds.	sk.	st.
Civil list, sterling salaries	336,203	3	3
Colonial salaries	417,427	5	3 $\frac{1}{2}$
Public buildings (erection of new and repair of old buildings)	137,047	0	1
Cape regiment	202,963	0	4 $\frac{1}{2}$
Pay of Hottentot captains	3,444	5	3
Expenses of offices	44,625	2	5
Criminal prisoners	22,464	7	0
Remittance to colonial agent	34,666	1	1
Bible and school fund, in aid of the same	1,059	7	3
Freight and passage money, travelling expenses, &c.	8,006	4	2
House rent and lodging money	3,538	6	3
Vessels and boats, purchase money and repair of ditto, including charges of the harbour master's departments at outposts.	50,152	7	2
Repair of the wharf	740	1	5
Buck Bay and Grootepost establishments.	5,789	1	2
Frontier service	4,674	0	1 $\frac{1}{2}$
Carried forward	1,272,803	7	4 $\frac{1}{2}$
		0	2

	Rds.	sk.	st.
Brought forward	1,272,803	7	4½
Government Constantia wine	5,340	6	0
Commission of circuit	20,520	7	5
Annual repayment by Stellenbosch (destroyed)	3,000	0	0
Expenses of surveys	4,054	2	0
Settlers	9,300	4	2½
Bank, an advance to assist those who suffered from the late gales	100,000	0	0
Residency of Simon's Town, advances	5,000	0	0
Miscellaneous expenditure	43,950	2	3½
Balance	291,058	4	1⅞
	Rds.	1,755,029	2 4⅞

(Signed) J. W. STOLL, Rec^r Gen^l.

EXPENDITURE: SUNDRIES—1822.

	Rds.	sk.	st.
Mr. Melvill, government agent at Griqua Town, for articles required as an outfit on his first settling at Griqua Town	3,210	0	0
His Majesty's fiscal, the expenses incurred by the several witnesses who were called upon to give evidence in the two cases versus Mr. Ingram	1,213	4	0
Mr. Wahlstrand, for thermometers supplied	1,247	0	0
G. Muller, meat for lions, &c.	450	0	0
Executioner.	59	4	0
Resident at Plettenberg's Bay, for victualling the government servants at that place	250	4	0
F. van Eysen, for a waggon supplied by him to the agent at Griqua Town	450	0	0
Rev. Mr. Borchers, for having officiated at the church of Somerset	36	0	0
Mr. J. R. Thomson, being the share of the crown in the net proceeds of 34 pipes of brandy, condemned and sold in consequence of being illegally imported	2,220	3	0
His Majesty's fiscal, expenses incurred in the prosecution of two cases versus Mr. Ingram	115	4	0
Government agent in Caffraria, expenses on his first settling on the Churnie	428	0	0
Mr. T. C. Berg, clothing supplied for the government slave David, at Plettenberg's Bay	31	0	0
G. Muller, meat for lions, etc.	225	0	0
Rev. Mr. Borchers, for having officiated as minister at Somerset	36	0	0
Executioner.	66	0	0
Carried forward	10,038	3	0

	Rds.	sh.	st.
Brought forward	10,038	3	0
Mr. Van Breda, for seeds and plants supplied to Newlands .	101	0	0
Inspector of lands and woods, his expenses in going to the government farm Bonteberg	66	2	0
Commissary general, two bills of £100 and £400	6,495	5	0
Ditto. disbursements made to sundry persons on account of government	3,005	6	3½
J. Feyerstein, tools for stone quarry at Robben Island.	422	0	0
Mrs. Allison, being in reimbursement of the sum of £20 paid by her late husband to Mr. Holdich, for certain buildings erected by him on a piece of land at Clanwilliam, of which he had no right to dispose, and which land was afterwards given up to the Rev. Mr. McClelland	232	7	4
Messrs. Nisbett and Dixon, in reimbursement of half the port dues paid at Simon's Town by the master of the <i>Kingston</i>	62	4	0
Mr. R. J. Johnson, for Caffre presents	1,059	4	0
Mr. de Vos, a remuneration for the loss of a horse	150	0	0
Mr. de Waal, ditto for two horses	200	0	0
Resident, Plettenberg's Bay, victualling the government servants	117	0	0
Do. Do. Do.	117	0	0
Premiums given to the highest bidders at the farming of the wine and brandy licences.	1,725	0	0
Rev. Mr. Borchers, for having officiated as minister at the church of Somerset.	36	0	0
G. Muller, meat for the lions, &c.	225	0	0
Commissary of vendues, in reimbursement of losses sustained by him in the vendue department at Simon's Town	4,237	0	2
Mrs. Hughes, board and lodging of the English instructor for the Tulbagh district	628	4	0
— Whithold, for repairing a perambulator	20	0	0
Burgher senate, for wheat supplied from the town granary to the inhabitants of the districts of George and Swellendam	13,078	7	3
J. Fyerstein, tools for the stone-quarry at Robben Island	362	0	3
H. Rivers, Esq. presents to Caffre chiefs	826	2	0
E. Hanbury, for two union jacks	41	0	0
Rev. Mr. Kicherer, for having officiated as minister in the village of Worcester	276	0	0
Mr. Banbergen, rations and clothing supplied to the seamen of the wrecked ship <i>Blendenhall</i>	426	4	0
	Rds.	43,950	2 3½

Return showing the Population and Cattle in the Possession of

	CHRISTIANS:					FREE BLACKS:				HOTTENTOTS:				NEGRO APPRENTICES:			
	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Servants.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.
Cape Town .	2,352	1,681	2,037	2,054	..	469	357	526	396	130	93	167	95	394	115	201	123
Cape District	805	661	624	685	106	..	..	..	..	285	234	271	170	202	50	65	36
Simon's Town	209	136	121	139	..	43	44	34	27	26	18	25	7	48	47	15	25
Stellenbosch	1,628	1,370	1,249	1,499	..	..	..	..	..	511	405	505	400	95	16	29	18
Swellendam.	1,457	1,620	1,122	1,722	6	..	..	..	..	1,120	994	945	892	18	1	2	3
Graaff Reinet	2,811	3,134	2,101	3,206	..	..	..	..	..	2,746	2,444	3,042	2,256	10	..	8	..
Uitenhage .	960	1,002	647	947	1	..	..	..	..	954	808	899	540	14	6	8	6
George . .	667	706	490	726	3	..	..	..	..	572	544	607	580	..	..	..	..
Albany . .	325	370	251	388	9	..	..	..	..	152	108	147	121	..	..	..	..
Worcester, late Tulbagh }	1,300	1,116	931	1,287	..	..	..	..	..	1,254	1,092	1,245	1,091	13	..	..	3
Total .	12,514	11,796	9,573	12,653	125	512	401	560	423	7,750	6,737	7,853	6,461	794	235	318	214

Return showing the State of Cultivation and Quantity of Land

	MUIDS SOWN:				MUIDS REAPED:				HAY.	VINEY.
	Wheat.	Barley.	Oats.	Rye.	Wheat.	Barley.	Oats.	Rye.		
Cape Town . . .	..	..	..	..	..	..	..	..	<i>lbs.</i>	..
Cape District. . .	2,837	1,065	4,349	214½	28,003	26,732	28,604	2,015	3,773,633	2,639,876
Simon's Town . . .	..	..	..	..	..	..	..	..	..	..
Stellenbosch . . .	4,417	772	4,510	433	11,932	14,620	33,775	2,938	681,665	22,770,965
Swellendam . . .	3,732	1,169	474	35½	6,854	8,240	2,077	214	..	958,700
Graaff Reinet . . .	548	407	7½	12	13,329	6,778	118	98	..	878,188
Uitenhage . . .	267½	380	175½	16½	2,943	6,872	2,766	251	..	321,600
George	771½	471	14½	15½	2,203	5,265	101	209	..	805,800
Albany	62	21	30	..	107	76	56	..	..	12,000
Worcester, late Tulbagh }	3,687	1,006½	135	438	18,737	15,614	14,014	4,583	..	1,714,778
Total	16,722	5,291½	9,695½	1,162½	84,108	84,197	81,521	10,338	4,455,298	29,901,907

Individuals at the Cape of Good Hope in the Year 1822.

SLAVES:				CATTLE:									
Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Waggon and Saddle Horses.	Breeding Horses.	Draught Oxen.	Breeding Cattle.	Wethers.	Breeding Sheep.	Spanish Sheep.	Goats.	Asses.	Pigs.
2,757	1,259	1,911	1,233	..	..	..	..	..	..	..	..	..	..
1,873	523	690	525	2,279	2,989	10,118	5,251	2,866	(a) 6,150	2,070	5,332	246	534
104	41	41	15	..	..	..	..	..	..	..	..	..	..
4,039	1,484	1,977	1,333	5,028	3,929	17,596	5,653	6,410	14,379	2,618	13,619	138	1,573
1,023	604	662	531	3,221	8,318	11,728	12,632	408	* 0,732	4,972	34,060	6	341
1,035	420	773	374	5,569	10,469	26,629	112,252	1,107	* 425,296	876	133,521	..	89
348	157	292	160	1,169	2,321	12,573	48,600	..	130,014	..	36,688	..	56
537	350	414	345	1,188	2,437	9,715	17,354	471	* 5,418	71	11,075	1	248
120	68	108	57	433	476	4,223	11,838	..	137,814	..	10,797	..	41
1,669	811	1,019	745	4,223	10,094	16,813	23,696	8,632	273,299	3,544	65,896	1	1,410
13,505	5,717	7,887	5,423	23,110	41,033	109,395	237,276	19,894	2,063,102	14,151	310,988	392	4,292

(a) The figures omitted in this column are illegible in the MS.

occupied at the Cape of Good Hope in the year 1822.

Leaguers of Wine.	Leaguers of Brandy.	Waggons.	Carts.	Loan Freehold Places.	Loan Places.	LANDS IN FREE-HOLD:				LANDS IN QUIT-RENT:				Government Places.
						Places.	Erven.	Morgen.	Roods.	Places.	Erven.	Morgen.	Roods.	
..
1,730	524	655	200	12	96	167	49	10,619	206	..	..	60,827	354	42
..
12,104	726	1,460	459	..	125	413	394	18,326	106	..	..	87,744	272	..
336	11	1,016	47	..	431	24	98	..	19	..	..	43,163	302	..
2634	1014	2,314	39	..	3194	..	199	4,900	24	..	..	125,267	24	..
51	47	692	20	..	17	8	110	..	258	..	..	576,934	501	..
135	99	521	21	..	134	5	59	..	206	..	..	..	..	..
..	..	139	3	..	10	1	..	..	86	..	..	..	..	..
7244	1824	1,354	147	13	540	22	81	543	542	32	6	31,749	327	..
15,348	1,1694	8,151	936	25	1,552	640	990	34,388	878	601	6	925,684	1,782	42

[Office Copy].

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 1st January 1823.

MY LORD,—I have had the honour to receive and lay before the King your Lordship's despatch of the 15th October last relative to depredations and Outrages committed by the Kaffir people upon the Inhabitants lately located in the district of Albany and enclosing a Proclamation which your Lordship had issued authorising the Landdrost to enroll a select proportion of the Inhabitants, and form two Troops, from those residing in Graham's Town and Bathurst, of not less than 50 Men each and Five Divisions of infantry of 100 Men each in such Situations as may be deemed best adapted for the purpose of securing the Country against Kaffir depredations—each of these Corps to be under the direction of a Lieutenant, and to assemble for training once in every Fortnight at their respective Alarm Posts—and once in each Month at such place of General Muster as the Landdrost may direct and to be under Martial Law when called into Active Service.

However much His Majesty laments the occurrence of Circumstances which have disturbed the Security of a class of Persons so much deserving of consideration as the Settlers located in Albany—I am commanded to express His satisfaction at the Measures which your Lordship has adopted with a view to establish a System of defence in which they should assist the Military power in protecting the district from further depredations.

His Majesty also approves of Your Lordship's nominating a Commandant for this Levy with a Salary of Rix Dollars 2000 per annum (unless the individual appointed should hold some other Colonial appointment which would supersede the necessity of so large a Salary) with Forage for 4 effective Horses; of seven Lieutenants at Rix Dollars 200 per annum and of an Adjutant at 360 Rix Dollars per annum with Forage for 2 effective Horses.

With regard to the Enrolment I have only to observe that if any difficulty should arise in obtaining a sufficient number of Men by voluntary offers of Service, it would be adviseable to supply the deficiency by resorting to a Ballot, as a mode both equitable

in itself and consonant with the established Notions of the English Settlers—it will also be desirable that the period of Service should be distinctly specified as well as the amount of compensation to which they will be entitled when casually withdrawn from their usual avocations or when called upon to engage in active Service.

When this Measure shall have been completed I trust it will be found sufficient to meet the occasion that has given rise to it, and that the frontier will be secured from further depredations. It will rest with Your Lordship to decide how far it may have become necessary for the preservation of tranquillity in Albany to suspend for the purpose of Traffic any intercourse with the Kaffir people, or whether it may be possible with safety to resume a restricted Communication with them. And if it should appear to Your Lordship to be compatible with the Security of the District to recommence at any time an occasional intercourse, You will in that Case take care to prescribe a point to which their parties may resort either immediately within the limits of the Kaffir Country, or upon the extreme boundary of the Colonial Territory where Barter may be carried on without their being permitted to enter the Colony. I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from the REVEREND WILLIAM BOARDMAN to
MR. THOMAS WILLSON.*

(Not dated, but about 1st January 1823.)

DEAR SIR,—In answer to your Letter which I received on Monday last, I can only observe that I have Enemies whose enmity I trust will prove as impotent as it is unfounded in Justice, the ill will which they bear to me arising from my refusal to connive at their attempts to impose upon the Government with respect to Rations &c. Many of their manœuvres for that purpose have been truly ingenious, and I have counteracted them if not always with success, at least to the utmost of my Power.

I have found the *whole Party*, with few exceptions, *fraudulent and addicted to falsehood in a great degree*, and notwithstanding the

many services I have rendered them, ready to take my Life if they could thereby gratify their revenge or cupidity.

By the Heat of the climate, as well as the Fatigue which I am sometimes forced to undergo, I suffer dreadfully from the Head-ache, by which I am reduced to such a state of debility that on alighting from my Horse after a ride of ten or twelve Miles, I am sometimes scarcely able to stand, and not only my youthful hose, but also all my clothes are grown "a world too wide." It has pleased God to remove Mrs. Boardman to a better world. My son in Blackburn is married, and established in business with a fair prospect of Success. For these reasons I am anxious to return to Britain as soon as possible, as should it please the author of my being to call me hence before James and William be old enough to support and protect their Sisters, their case would be truly deplorable in the midst of those who would insult and injure them without remorse.

You ask what I would advise you to bring out in case of a Return to this Country. I hope and believe that when in England you will give up all thoughts of a Return. *Halters* will be much wanted, and consequently a good article for sale if the Rogues are not too poor to pay for them.

I have not received any money on your account, neither is it likely that I shall receive any, as the people have neither the power nor inclination to pay their just Debts. I have been repeatedly swindled by some whom I should have thought incapable of such an Act.

I have to request your *advice* and *directions* with respect to the Subdivision of the Land. Ten thousand acres *have been granted* to the Party, and as many have left it those who remain assert that besides their own locations of 100 acres they have a Right to a proportional share of the vacant ones. I maintain that *you engaged to give to each 100 acres only*, and that they can justly claim no more. This is likely to be a bone of contention between myself and the Party. *With your approbation* I will submit the matter to the Colonial Government.

The Failure of the Crops of Wheat, Potatoes, calavances, and of almost every esculent vegetable has reduced this part of the Colony to extreme Distress, some mode of relief will therefore no doubt be adopted; but I trust that *indiscriminate* eleemosynary assistance will be withheld, as it only cherishes a spirit of Idleness,

and is productive of many abuses. Provisions sold at reasonable rates, and employment for such as are willing to work, would be a more eligible system of Relief. With best wishes &c.

(Signed) WM. BOARDMAN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 2nd January 1823.

MY LORD,—It being essentially necessary that His Majesty's Government should have every facility of Reference to the various Proclamations, Notices and Regulations &c. which have been issued under the authority of the different Officers who have administered the Government of the Cape of Good Hope since the Colony has been in His Majesty's Possession; I have the honour, to signify to your Lordship His Majesty's Command that you should cause immediate Steps to be taken for the purpose of collecting and transmitting to this Department a Complete Series of such Documents collated and arranged in the most perspicuous manner, and accompanied with a Copious Index.

Your Lordship will continue to transmit as heretofore at the time of Promulgation Copies of Your Proclamations &c. in order that they may be duly submitted for the Royal Sanction; and at the close of every year it will be expedient that further Copies of the same Documents should be again transmitted (prepared as above directed) in order that a Regular Compilation may be preserved of these Records of the Administration of the Colonial Government.

I have only further to direct that Your Lordship would be pleased to cause the utmost despatch to be used in carrying His Majesty's Commands into Execution. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 3rd January 1823.

MY LORD,—I have had the honour to receive Your Lordship's despatch No. 22 of the 17th of September last stating that in pursuance of instructions from His Royal Highness The Commander in Chief, such men of the Royal African Corps, as were not discharged at the time the Regiment was disembodied, had been formed into two Companies to be attached to the 2nd West India Regiment, and requesting that directions might be given to you as to the conveyance of these Men to Sierra Leone.

I perfectly approve of the measure Your Lordship had in contemplation with a view to remove these companies from the Cape, and of the grounds on which it was relinquished. The exorbitant demand which appears to have been made for Tonnage to convey them to their destination has rendered it necessary to provide for this Service from home; and the Commissioners of the Navy have accordingly been required to engage a Transport which will in the first instance be appropriated to carry out Stores to the Cape, and subsequently receive on board the troops and proceed to Sierra Leone, where it is proposed they should arrive between the beginning of December and the latter end of April, as the Season in which less is to be apprehended from effect of Climate.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 4th January 1823.

MY LORD,—I do myself the honour of transmitting for Your Lordship's information the Copy of a Circular Letter which has been addressed to His Majesty's Consuls in Foreign Countries

conveying instructions for their guidance in procuring and transmitting to this Country Models of the Standards in use for various Weights and Measures in their respective Consulates.

As it has been represented to me that much advantage would result if similar information was officially derived from the Cape of Good Hope; I have to request Your Lordship would direct the various Weights and Measures used within the Colony to be accurately ascertained; and that you would be pleased to cause Models of the same to be transmitted to this department as soon as circumstances may permit. I have &c.

(Signed) BATHURST.

[Copy.]

Appendix to the Memorandum by MR. CHARLES D'ESCURY.

CAPE OF GOOD HOPE, *January 4th 1823.*

Since the Memorandum of 20th Ultimo and its annexures were put together, circumstances occurred which place the principal subjects therein recommended for consideration, viz. the necessity of a greater check upon the granting of Crown Lands and the establishing of a fixed principle whereby more equally to apportion the rent charged on such grants in so striking a light that it appears most desirable they should still be added. They are therefore submitted in this Appendix.

Highly important as it appears to lay down fixed principles applicable to the granting of Lands and to the apportioning of the rents charged on the same in the manner explained in the foregoing documents, it is desirable not to overlook any circumstance that can tend to show the bad effects resulting from the want of such principles. The following instances will, it is presumed, clearly illustrate the fact, they refer to decisions of His Excellency the Governor on grants of Land petitioned for and reported upon, and to the result of the Rents as hitherto rated.

In the first instance, His Excellency's decision was appealed from in a Memorial presented to H.E. the Acting Governor by one W. A. Krige on the 11th of September 1821, on the ground of

comparison with the terms of other grants, which the appellant considered more favourable than his own. In some of the cases the appellant alludes to, there was a considerable difference between the valuations of the Commission, and the calculations of the Inspector, the latter being in most instances considerably higher.

With respect to the appellant's Land, His Excellency the Governor was pleased to fix the rent at the *medium* between the Commission and the Inspector, while all the others were granted at the *rate of the Commission*, consequently the Appellant felt himself aggrieved, tho' in reality he had no right to complain, not having his Land above the value, but still on comparison he was *less benefited* than the others, which necessarily produced a bad effect, for had the medium been taken *for all* the aggregate rent obtained would have been considerably higher, consequently more advantageous to the Revenue; none would have been dissatisfied, since the Lands would then still have been rated sufficiently low, in proportion to their real value; and the appellant in this case would have had no ground whatsoever to complain. In this instance then there is an unsteadiness in the decision which cannot but be injurious in various ways, and particularly so in the manner in which it operated here, where the very decision of the Governor marking a distinction, surely not intended, still in reality such as created jealousy and discontent.

The second instance is one of very late date. Two entire Reports of two adjoining Districts, Swellendam and Tulbagh, differed very materially in point of the rental value *rated by the Commission*. Calculating the value of these Lands in each district according to the principle laid down in the Inspector's office, the result was that these calculations in one district were considerably *above*, and in the other considerably *below* the Commission's; these districts happen to be those between whom some of the late comparisons of Rent had been made, the Inspector therefore considered the circumstance a favourable one to call His Excellency's attention to, and he therefore sent in the two Reports together, in order to afford His Excellency an opportunity of observing the striking instances of disparity the want of a fixed principle produced in this case, and he added a Memorandum, having for object to shew, how His Excellency's decisions, when taking the Commission's recommendation in either case as a *standard*, would operate, with

a view to direct His Excellency's attention towards the only way, in the Inspector's opinion, by which the appearance of partiality, and its consequent effects, jealousy and discontent, could be avoided, namely by adopting the fixed principle the Inspector's Office is guided by, *or such other as shall operate in like manner*, on the result of which it would then only remain to determine how much per cent should constitute the rent, if the 10 per cent rated by the Inspector were deemed too high.

His Excellency however determined otherwise, and has decided that in *both* cases the *lowest* rate shall be the rent to be charged, whether recommended by the Commissions or by the Inspector, so that in Swellendam the Inspector's calculation is to be followed, and in Tulbagh the valuation of the Commission; the consequence is that, in the former the people will *pay up to the value* of the Land, while in the latter they are to have theirs *very considerably below it*, which is repeating, but upon a greatly enlarged scale, the objectionable circumstances of Krige's case (of the first instance), a circumstance the more to be regretted as the present occasion seemed so particularly favourable to the introduction of so desirable an object as a regular system for the apportioning of Rent. But besides which this decision upon the ground upon which it was made, that of adopting for the rents to be fixed the *lowest* valuation, merely because it is *the lowest*, without regard to any other consideration, cannot fail to produce the most injurious effects, and must tend to subvert the very principle upon which the measure for establishing the present Land Tenure is founded, that of reciprocity of advantage between the Crown and Individuals, according to which the Lands were to be granted liberally, while the Individual was to pay a fixed rent, in proportion to the fertility, situation, and other advantages of the Soil, as these stand at the time of the grant. This decision must restore to the Local Magistrates all that patronage, those means of bestowing favours *independent of the Government* which it has been so zealously endeavoured to break through, and secure *exclusively* to the Government from whom favours so essential to the welfare of each Individual Landholder, and thence to the greater part of the population, should immediately and exclusively flow. But upon the principle now adopted by His Excellency it will be the Magistrates who will prescribe, as it were, the terms of each grant. They will vie with each other who shall most benefit

their friends by most underrating the property of the Crown, and he who values it *lowest* will consequently be the most sure of having his valuation confirmed! That this must be the consequence seems evident, and the mischief it will produce can require neither proof, nor explanation.

But this is not the extent of the unfavourable consequences, that *immediately* result from His Excellency's decision on those Reports. It deserves notice that in the Notes on those Reports the Inspector pointed out several irregularities, such as the measuring of some of the Lands in a most arbitrary manner, greatly injurious to the Public in the mode of measuring itself, and in the effects it must produce on the remaining Government Lands adjoining to it, the inclosing of Rivers within the Lands asked for, whereby the remaining Government Land is left destitute of water, consequently rendered useless ever after, the granting of new Lands to persons holding Loan Places not yet converted into Perpetual quitrent, against which several points there are standing regulations most essential to the public to be observed, and they have been invariably attended to. To depart from them in the present instance, therefore, is an injury to the public not only, but an injustice to Individuals, to those who on the grounds of such objections have been refused before; and if ever acted upon again, it will be an equal injustice to those who are to be so refused hereafter.

The effect of too implicitly following the recommendations of the Commissions of Inspection has already within the last year caused an alarming falling off in the Revenue, as a comparison between the result of the state of the Land Tenure closed in 1821 and that closed on the 31st December 1822 here subjoined clearly shews, than which the effect of this last decision, unless timely prevented, will infallibly and rapidly increase, so that ere long the distribution and occupancy of the Soil, instead of being one of the principal sources and supports of the Revenue will dwindle to nothing.

(Signed) C. D., Inspector.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 5th January 1823.

MY LORD,—With reference to my despatch No. 47 of the 15th November last, I do myself the honour of transmitting to your Lordship the copy of a communication made to this department by desire of the Lords Commissioners of His Majesty's Treasury, stating that their Lordships would direct the acceptance and payment of Bills to the amount of £125,000 (payable out of the Army Extraordinaries), in order to enable your Lordship to afford relief to the inhabitants of the Cape whose property has been damaged or destroyed by the recent Hurricanes, and for the purpose of repairing public Buildings injured or destroyed on the same occasion.

Your Lordship will observe that the Lords Commissioners have acceded to the proposition submitted to them, upon the faith and understanding that adequate measures will be immediately adopted in the Colony for making effectual provision for payment of interest at the rate of five per cent on the sums to be advanced, and for repayment of the principal money in the manner and at the period proposed in your Lordship's despatch of the 5th of August last.

It is unnecessary that I should impress on your Lordship's attention more fully than I have already urged in my despatch of the 15th November, the necessity of using the most vigilant care in the application of the means advanced for the support of the Colony. His Majesty has full reliance on your Lordship's discretion in administering the relief the colonists will require, and in guarding the colonial interests by requiring adequate security in all cases where the parties are capable of entering into engagements for repaying the sums for which the colony generally is made answerable; and I have only further to request that your Lordship would be pleased to give the earliest notice of the Bills you will have occasion to draw, and of the manner in which you propose to apportion the proceeds of each Bill so drawn. I have, &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th January 1823.

MY LORD,—Your Lordship will, I feel persuaded, do me the justice to believe that with the anxiety I have to economise by every wise means the resources of this Settlement, I should not be prone to solicit your Lordship's sanction to an encrease of Salary in any of the Appointments, did I not consider it indispensable to the well-doing of this Government.

The Office I wish to call your Lordship's immediate attention to, is that of Assistant Secretary, the present Salary of which, compared with the labor and the official ability it necessitates, is so inadequate that it is not to be expected that any Gentleman sufficiently qualified will be contented to remain in it, but will after a period (and when of course he has become really useful) urge the Burthens of His Office as a claim to a Situation where there is more ample remuneration. Hitherto then this Appointment has been considered the Stepping Stone to One of better Emolument, but the enormous and daily encrease of Business and your Lordship's late Decision to abolish the Deputy Secretaryship have rendered it imperatively necessary that the Assistant Secretary should be a Gentleman eminently efficient in Official Duties and that he should have no inducement to quit his Situation.

During Lord Howden's Administration his Lordship felt so strongly how ill repaid Mr. Stoll (who was then Assistant Secretary) was for his Labors, that he raised his Salary to £700 Sterling, with a Sum of £125 as a retrospective remuneration for the previous Quarter. On Mr. Stoll's resignation I appointed the next in Seniority in the Office, a Mr. Auret, at the former low Salary of 3000 Rixdollars per annum; the duties were too arduous for him and he resigned it. To Mr. Auret succeeded the next in office, Mr. Van der Riet, who impaired his health and he pleaded the the close confinement as a claim for a Situation of greater Labors of his Office as Emolument.

some idea of the encrease of Business

Your Lordship will form

when I state that at the period Lord Howden raised Mr. Stoll's Salary (on account of the weight of Business in his office) the number of Official Papers laid before the Governor in the current twelve months amounted to 1024. The number which has been prepared by the present Assistant Secretary, Mr. Brink, to be laid before me in the year ending 31st December 1822 has amounted to 3277, being an encrease in that branch of his Business alone of upwards of 300 per cent, and in justice to Mr. Brink I must assure your Lordship that if Diligence, Perspicuity and a thorough knowledge of Official Business be allowed to entitle an Individual to particular consideration he has unquestionably that claim. From what I have above stated I beg to propose to your Lordship that the following Alteration should be made in the Salary of the Assistant Secretary: At present it is 3000 Rixdollars, and after five years Service encreases to 5000 Rixdollars. I beg to propose to your Lordship its being raised to 5000 Rixdollars, and to be encreased to 7000 Rixdollars after 3 Years Service, if the Incumbent has served 10 years in the Colonial Office, to commence from the first of January 1823. This mode of ameliorating the Situation will I trust induce the Person whose experience has rendered him thoroughly conversant in the Duties of the Office, to remain in it.

The other Situation that I have to trouble your Lordship upon is the Sequestrator's, which I beg to suggest should be raised after the resignation or Demise of the present Incumbent Mr. Van der Riet Senior from 4000 to 6000 Rixdollars, the age and impaired health of Mr. Van der Riet render him unequal to the very arduous Duties of his Office, which encreases with a rapidity that will render it necessary for me to adopt some measure to relieve him from, or assist him in, the Duties. They involve so much property that no Situation can be more important, and inclusive of its importance and the Labor it imposes, it involves the Incumbent in very extensive pecuniary Risk. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

A Return of the Slaves imported into this Colony since the 1st January 1808, distinguishing the Males from the Females, and stating what ship they were seized in, when condemned, and the manner how disposed of.

What ship they were seized in.	When condemned.	Number.		Where from.	How disposed of.
		Males.	Females.		
<i>Jeune Clair</i> . . .	14 December 1808	6	3	Madagascar	77 Males entered for the Navy, the remainder apprenticed to Individuals.
<i>Pasipha</i> . . .	do.	8	6	do.	
<i>Souffleur</i> . . .	19 December 1808	106	36	do.	
<i>Victor</i> . . .	23 January 1810	3	1	do.	
<i>Prairie</i> . . .	6 February 1810	22	5	do.	
<i>Esperance</i> . . .	do.	31	28	do.	
<i>Charlotte</i> . . .	do.	26	15	do.	
<i>Goube Mouché</i> . . .	do.	6	..	do.	
<i>Aventure</i> . . .	13 February 1810	5	..	do.	
<i>Ceres</i> . . .	do.	4	..	do.	
<i>Trois Amis</i> . . .	do.	51	4	do.	50 Males enlisted for the Army, the remainder apprenticed to Individuals.
<i>Tlailit</i> . . .	do.	1	6	Batavia	
<i>Marshall Daendels</i> . . .	do.	..	6	do.	
<i>Venus</i> . . .	1 March 1810	2	1	Mauritius	
<i>Urania</i> . . .	30 April 1810	5	1	do.	
<i>Mouche</i> . . .	do.	3	..	do.	
<i>Amazoné</i> . . .	do.	..	1	do.	
<i>Restaurador</i> . . .	15 February 1812	330	43	Mozambique	
					43 Males for the Army, 31 Males for the Navy, 95 Males and 3 Females for the Colonial Government Service, the remainder to Individuals.

<i>Elizabeth</i>	.	.	.	25 January 1813	344	92	do.	{ 17 Males and 4 Females for the Colonial Government Service, the remainder to Individuals.
<i>do.</i>	.	.	.	5 May 1813	9	..	do.	
<i>Lilie</i>	.	.	.	31 May 1813	8	..	Mauritius	Apprenticed to Individuals.
<i>Eliza</i>	.	.	.	do.	87	51	Madagascar	
<i>Lucie</i>	.	.	.	5 July 1813	1	9	do.	25 Males and 2 Females for the Colonial Government Service, the remainder to Individuals.
<i>São Joachim.</i>	.	.	.	17 March 1815	233	65	Mozambique	
<i>Jeune Victor.</i>	.	.	.	25 January 1816	36	19	Madagascar	5 Males for the Colonial Government Service, the remainder to Individuals.
<i>Neptune</i>	.	.	.	16 December 1816	96	59	do.	
								18 Males for the Army, the remainder to Individuals.

(Signed) CHARLES BLAIR, Collector of Customs.

CUSTOM HOUSE, CAPE OF GOOD HOPE,
7 January 1823.

[Original.]

Letter from LIEUTENANT COLONEL BIRD *to* EARL BATHURST.

CAPE OF GOOD HOPE, 8th January 1823.

MY LORD,—It is with very painful feelings that I find myself under the truly disagreeable necessity of remonstrating against a measure suggested to your Lordship by the Governor of this Colony and in making the remonstrance which I am about to do I beg to assure your Lordship that if the alteration in my office proposed in Lord C. Somerset's dispatch to your Lordship No. 31 was a general measure and not one which immediately affected the branch of Service committed to my charge by your Lordship's favour I should not now venture to address you. But feeling as I do that if the suggestion of placing the Assistant Secretary to this Government in a situation in point of emolument superior to those of other higher branches of the public Service of this place be carried into effect, it will have consequences (which I shall endeavour to explain) prejudicial to that Service, I should be wanting to your Lordship and to the situation I have the honour to hold, if I did not put your Lordship in possession of what my experience has taught me on this subject.

I must however in justice to Mr. Brink the Assistant Secretary confirm all Lord Charles Somerset's favourable report of him. Mr. Brink was brought into this office by me, and he has worked himself into the situation he now so respectably fills by assiduity under my tuition, and he occupies it at my recommendation, I am therefore proud of his merit and shall be glad to see his fortune improved; but my Lord the system which up to a late period had been pursued in this office and which has rapidly brought Mr. Brink to the head of it has been that of making it the stepping stone to other branches of the Public Service, by which means not only has emulation been created in the office itself and assiduity ensured, but the Civil Service has been supplied with as valuable and experienced men of business as are to be found in any Colonial administration whatever. My office has given to the Public Mr. Stoll, Mr. Van der Riet, Mr. Smuts, Mr. D'Escury, Mr. Kuys, and many others of whose talents and honourable feelings any administration may be justly

proud, and I feel that to do away that system by making the situation of the Assistant Secretary such as that no other office within the patronage of the Governor could be offered to him either as promotion or retirement would be injurious to the Public Service and very prejudicial to the interests of the junior assistants of the Government Office. It is nevertheless true that Mr. Brink's salary is very small, but it is a misfortune under which he labours in common with almost every other public Servant on this Establishment. His emoluments however by the present Regulations progressively improve. I cannot admit that his duties are more laborious than those of his Predecessors, especially since your Lordship assented to an Accountant being added to the established number of this Department which took place at my suggestion in January last. Since that period Mr. Brink's duties have been greatly relieved, though they are still arduous,—it is also a justice I owe to the junior assistants to say that they are rapidly advancing to be equally competent with Mr. Brink to the duties which he has to perform; his Brother who is the next to him in the office, and whose present duties are equally important with those of his senior and equally arduous, having the custody of the debt Registers in which the details of 58 millions of Rixdollars are daily varying, is fully equal to the duties of Assistant Secretary, I trust therefore that your Lordship will see that by breaking through the present arrangement the emulation among the younger class will no longer exist, that the public Service will be no longer supplied with those efficient Servants which the several and varied duties of this office have heretofore educated for it, and that the Colonists will no longer feel it the object they now aspire to to place their Sons in this office thereby attaching their families to His Majesty's Government.

Should however your Lordship feel that it is just that some further emolument be given to Mr. Brink, then I beg to submit that it be on a scale proportioned to those situations he may still look forward to as promotion in the Service, that is, that his Salary be continued inferior to that of a Landdrost or other Civil Servant of that class, for which there is this further reason which I hope your Lordship will appreciate, that if a future Assistant Secretary after trial shall not turn out what Mr. Brink is, it will be difficult to relieve him and it will not be done without giving personal offence which should in remote situations such as these are be

most cautiously avoided. I am perfectly aware that a recent appointment in the Stamp office has disappointed the claims of Mr. Brink to a remuneration to which he considered himself entitled for having done the duties of that office during a period in which it was vacant, but I cannot think it fair that the hitherto approved system of my department of which experience has shewn the public benefit, should be overset to make him the compensation to which he may probably be entitled.

In conclusion I beg your Lordship to be assured that in taking the step of addressing myself direct to your Lordship on this delicate occasion I am actuated solely by the motives which I have endeavoured to explain viz. a great zeal for the Public Service in general and in particular for the interests of the office I have long superintended, the administration of which has received the unqualified approbation of every Governor to whom the interests of this Settlement have been confided.

I have &c.

(Signed) C. BIRD,
Chief Secretary to Government at the
Cape of Good Hope.

[Copy.]

Letter from LIEUTENANT-COLONEL BIRD *to the* LANDDROST
OF GRAAFF-REINET.

COLONIAL OFFICE, 9th January 1823.

SIR,—I have had the honour to receive and lay before His Excellency the Governor your letter of the 26th of last month, enclosing copies of regulations you had been directed by my letter of the 21st of last June to frame respecting such Bosjesmen, women or children, who should come or be brought into the Graaff-Reinet district; and I am instructed to convey to you his Excellency's entire approval thereof, and his desire that they may be promulgated and acted upon with the following alteration and addition, viz. that the penalty mentioned in the fourteenth article be worded "not exceeding fifty rixdollars," which will leave it in

the breast of the competent Court to increase or diminish the penalty according to the circumstances of each particular case: it is also his Excellency's desire that an article be added to enable the magistrate to restore to the Bosjesmen parents such children as having been abandoned by their parents, or found in a deserted state by colonists, shall be claimed by the parents and duly authenticated as the children of the claimants, of which proof the magistrate must be the judge. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

ALBANY, 11th January 1823.

MY LORD,—As there is every probability that in the course of our Enquiries into the State of the Colonies of the Cape of Good Hope, Mauritius and Ceylon, we shall find it expedient to take opportunities of personally examining Portions of those Colonies and their Dependencies that are at some Distance from the Seat of Government, and of pursuing our enquiries on the spot, we beg leave to suggest, that it would greatly facilitate the execution of this Part of our Duty, if the senior naval officer on the different stations within the range of our commissions, should be instructed by the Lords Commissioners of the Admiralty to furnish us with means of conveyance for ourselves and establishments in any of His Majesty's ships or Vessels that might be disposable for such service.

We beg leave further to suggest that it will equally tend to the Public benefit and oeconomy, if the same facility should be afforded to us, in our removals, between any of the Colonies included in our Destination. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

ALBANY, 11th January 1823.

MY LORD,—In the course of Inquiry in which we are about to engage in the Colonies of the Cape of Good Hope, Mauritius, and Ceylon, we naturally expect to find occasion of full and frequent reference to Public Documents, and as our Commission does not contain any express authority upon the subject, we beg leave to submit to Your Lordship the necessity as well as expediency, of our being furnished with Instructions, to the Governors of the above Colonies, to issue, on the publication of our Commission, orders calling upon all Officers and Persons in the service of Government to comply with such requisitions as we may make for the Communication and Inspection of Public Documents and Records. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from GEORGE HARRISON, ESQRE., to ROBERT WILMOT, ESQRE.

TREASURY CHAMBERS, 11th January 1823.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 18th Ultimo with copy of a Dispatch from Lord Charles Somerset to Earl Bathurst respecting the measures taken for affording Relief to Colonists at the Cape of Good Hope in consequence of the destruction of their Property by the late Hurricanes, I have it in command to acquaint you for the information of his Lordship that My Lords will direct the acceptance and payment of the Bills intended to be drawn on this Board by Lord Charles Somerset amounting in the whole to £125,000 (out of the Extraordinaries of the Army) upon the faith

and understanding that adequate measures will immediately be adopted in the Colony for making effectual provision for the payment of Interest on the said advances at the rate of 5 per Cent and also for the repayment of the principal Money in the manner and at the period proposed in his Lordship's Dispatch to Earl Bathurst. I am &c.

(Signed) GEO. HARRISON.

[Original.]

Comments on a Letter headed "The Colony of the Cape of Good Hope" addressed to the Editor of the Morning Chronicle, signed "Longinus," marked Letter 2nd, Morning Chronicle, Friday, September 20th, 1822.

The Commentator has not yet seen Letter 1st.

THE COLONY OF THE CAPE OF GOOD HOPE.

Letter II.

To the Editor of the *Morning Chronicle*.

SIR,—It is my intention on the present occasion to point out some of the principal grievances which degrade and depress the European Emigrants equally with the Slaves in South Africa, and afterwards to expose the unexampled tyranny and injustice pursued by the British Colonial Government towards the Hottentots.

Whilst Captain Somerset, the son of the Governor, was Deputy Landdrost at Graham's Town,* this young man was in the habit of ordering a mode of punishment the most offensive and abhorrent

* A Grant of 500 acres of land, adjacent to Graham's Town, was made by Sir R. Donkin to this Officer, although at the time on full Military pay, and he had no notion of ultimately even remaining in the Colony as a Settler. This land has been offered for sale for 50,000 rixdollars. Whilst so many poor Settlers were destitute of ground capable of subsisting them, how unwarrantable was it to give it away to those who only sought it to make money?

to English feelings. What will our countrymen think, alive as they are to the deteriorating influence of military flogging, when they hear that their friends, perhaps their kinsmen, who lately went out to Africa under the idea of meeting with British law in their new Settlement, were and are yet subject to be flogged on the *bare breech*, like the Slaves and Hottentots in that quarter? This is a fact which cannot be controverted neither palliated, since its humiliating effect perhaps invariably is to harden and demoralise the unfortunate creature on whom it is inflicted.

Comment.—The existing Laws of the Colony apply different degrees of Corporal punishment proportionate to the offences committed. Capt. Somerset makes affidavit that during the time he acted as Deputy Landdrost at Graham's Town no punishment was by him ordered to be inflicted but according to Law, as in duty bound, having been awarded by a Competent Court, vide Enclosures Nos. 1 and 2. The Settlers could not expect to find British Law in force at the Cape, as the words of Lord Bathurst's Circular Letter of information to the Heads of Parties stated the direct contrary. Vide Enclosure No. 3.

Many Englishmen were actually after their arrival served with summonses in the Dutch language, and *fined* because unable to read and understand them.*

Comment.—A Summons is sent either by the Officer of the Court of Justice or by an Advocate in the Suit. A Copy in English must be produced. When not so the explanation is given by the Officer who serves, unless the matter be in the nature of Summons to appear instantly before the Magistrate.

I remember an instance where one complained to the Landdrost, who had imposed a fine upon him for not complying with a requisition made under some old Dutch enactment of which he was unaware, and all the satisfaction he got was a truism, "That it was not his (the Landdrost's) business to keep a person to inform him of the law."

Comment.—In England or in any Country where Laws obtain, it is the duty of Individuals to be acquainted with those Laws which belong to the Country where he sojourns and every Foreigner is subject to penalty for an infringement of the Laws of

* A Mr. Biddulph, a very respectable Gentleman, whose son is a Lieutenant in our Navy, was committed to prison for eight days on this account!

the Country of his temporary residence whether apprized of them or not.

However, it is assuredly the first business of a just Government to see that its laws are intelligible to the meanest of its subjects, now quite the contrary is the fact in South Africa; there is no code of civil and criminal laws and regulations which the Settlers might buy—they are scattered and buried in old and numberless Proclamations, one altering or annulling another, therefore it may be fairly said the inhabitants at a distance from Cape Town are deprived of the power of ascertaining their rights, of avoiding penalties, and in short are at the mercy of the Magistrate.*

Comment.—The Crown Trial signed by the Chief Justice, published by order of Lord Charles Somerset in December 1819 (a copy of which is herewith transmitted No. 4) is a complete explanation of the Cape practice and Law, and it may be in the hands of every man in the Colony, feeling an interest therein.

The behaviour of the Government towards the Slaves is highly reprehensible; and it is a usage in every way objectionable, which admits the Governor, the Secretaries, the Judges, Landdrosts, and every public officer, to be the purchasers and holders of Slaves, inasmuch as it sets an example of that nefarious practice, must naturally enlist and interest those personages in its support, and is contrary to the spirit of the British Government.

Comment.—The existence of Slavery being permitted, every

* Captain Butler, an Irish Emigrant, among others lost his all, and is now living without a shirt to put on his back, and in a state of starvation. He was on some pretext arrested and carried to Graham's Town. After hearing the charge, he replied very mildly, but Captain Somerset was displeased with him, and in the moment of his ire cried out, "Sir, I shall send you to the tronk (or prison)." "Thank you," said Captain Butler, "I shall have bread and water there, *the two scarcest things in Albany!*" Mahony, an Irishman, was another day brought before Captain Somerset, whose displeasure he had previously incurred. The Captain left the Chair to get out his passion by swearing at him. When he was cursing and swearing and abusing, Mahony, the culprit, kept bowing and scraping, and thanking the *Judge*, saying, "Thank you, Sir—thank you, Sir; your polite father could not have been more polite." Notwithstanding all this, and a great deal more of a similar tenour, an Address was got up to Captain Somerset, and blazoned forth his praises in *the Cape Government Gazette*; but even this will not surprise those who know any thing about the means of obtaining laudatory addresses to authority. Many who put their names to the one in question were compelled to do it, and were and are now deeply sorry for it.

Individual having the means has and ought to have the right to the Service of Slaves. The continuance of what is here stated to be an objection, is of vital importance to Humanity, leading to the better treatment of Slaves. In the Families of Persons of consequence and in authority Slaves are more likely to be (and are) religiously instructed, better clothed, and a laudable example set of general kind and humane treatment, but the effect of this clause is to allow the Services of Slaves to be possessed only by a lower class where more constant labor is required and less indulgence and consideration shewn.

The circumstances too of their being instances on record of Prize Slaves who were handed over to masters to serve without an *iota of wages*, under the specious name of Apprenticeship for 21 years, speaks plainly the feeling of Government respecting the fate of such unhappy negroes as may become *British subjects* in the colony of the Cape.

Comment.—By the order in Council dated 16th March 1808 a prize Slave cannot be indentured for a term exceeding 14 years, and no instance has occurred at the Cape of an infringement of this regulation. At the Cape, as elsewhere, Apprentices are not entitled to Wages, but they are allowed the profit of extra hours and masters usually give them money every Sunday. Vide No. 5.

These things however dwindle into insignificance compared with the unjustifiable expatriation, if I may so style it, of the Hottentots, who are precluded from being proprietors of their own native soil—a monstrous act of impolicy and inhumanity, which has taken place not under the Dutch but, I blush to tell it, under the British administration of the Colony! After this what else than mockery is it to call the poor Hottentots free men, free laborers, as is hypocritically done by the Cape Government—at the very time suffering to remain in force a law which subjects both Hottentot men and women to degrading corporal punishments for offences of the most trivial nature.*

* *Vide* Proclamation, 1st November, 1809, Art. 13, and which was republished without the slightest alteration in 1821. Likewise see another Proclamation, of date _____, wherein will be observed an invidious distinction, drawn between Hottentots and all other inhabitants; whence it may be asked, if they are, as the Government wish others to believe, free and independent British subjects, why was this difference made?

Comment.—The Hottentots ever have been and are owners of Farms and places acquired by Inheritance or Purchase. Like others they buy and sell and cultivate. Lately a party of Hottentots took by public Tender the Contract for bringing in waggons to Graham's Town the goods of Merchants and others landed in Algoa Bay. The Hottentots are advancing in improvement as fast as their wandering disposition will allow.

Again it is enacted, that they are not only to serve their masters (the *gentle* Dutch Boers) diligently and honestly ; but it is added "with proper submission," so it may be easily guessed what latitude will be attached to those terms by Slave Holders ! In fact it can be asserted by all who have seen the Hottentots in the servitude of the Dutch, that they are one and all treated like the brute species, retained in a most servile and debased state, infinitely worse off than those who are avowedly slaves, because they have a sordid anxiety for their welfare, as they may hire or sell them.

Comment.—A Hottentot makes his Contract before a Magistrate with the Individual who hires him for such period as he chooses, the same as a Labourer in England, and is bound for the term mutually agreed upon (which is usually one year) as the English Servant is. He is not allowed to be unemployed (if he has not possessions of his own) but his service is with the Boer or Settler of his choice. No Individual in an English parish is allowed to become burthensome, and the only restraint on a Hottentot at the Cape is the not being permitted to be a Vagrant.

Another occurrence may be mentioned, by which the spirit of Government regarding the unfortunate Hottentots may be fully determined. Some few years ago it was thought proper to disband the Cape Regiment, when all the Hottentots of the Corps were required to enter into contracts for two years servitude to such Boers (i.e. Dutch farmers) as were desirous of taking them, and as these free men *were not at liberty* to proceed and search for employment, it is easy to believe that the conditions of their contracts were far from affording them a just remuneration for their labour ! This corps has been since re-embodied, but under very different regulations to any other in his Majesty's service.* The present local government have adopted (a la Bonaparte) the summary

* Lord C. Somerset, with breathless haste, discovered urgent reason to raise a fresh Cape Corps upon a new system, and gave the troops to his two Sons, who had not formerly belonged to it.

method of recruiting the Hottentot regiment, by directing the several landdrosts to furnish a certain quota of men whom they select at their pleasure, no option being given to the individuals to enter military service or not! Should this harsh and cruel measure have become unavoidable, doubtless the necessity has been created by the gross injustice shewn to the men before disbanded; for all former Governments employed recruiting officers to obtain the Hottentots voluntarily, whom the Magistrate now has to compel. The unjustifiableness of this regulation frustrates itself, and its impolicy would be obvious to any besides the Cape Government, when it is considered the Hottentot Corps is employed immediately on the frontier; desertion is easy, and the fact is, just as might be expected, desertion is frequent.

Comment.—The mode now adopted by the present Government for recruiting the Hottentot Corps is by a regular Enlistment with a Bounty of 20 Rixdollars. Desertion from the Hottentot Corps to the Kaffres rarely occurs, from the reciprocal hatred which the two Nations feel towards each other.

LONGINUS.

Comments on the Notes.

The object of these Notes is to slander an Individual and (like the Text) to mislead the Public.

With regard to the grant of 500 Acres of *waste land* to Captain Somerset it was a miserable remuneration for the Labours he underwent in locating the Settlers. On their first arrival he was out 65 days and nights with them without any Shelter, and the impression his conduct made on them is better ascertained by the Address which was presented to him (vide Enclosure No. 6) with a handsome piece of plate. Captain Somerset was *not* Deputy Landdrost, but only did the duties during the absence on Leave of the Deputy Landdrost Major Fraser in England. It had always been usual to make Landdrosts and Deputy Landdrosts Grants of Land. Major Fraser had 6,000 acres granted to him in Lord Howden's administration, and when it is recollected that extensive grants of ten and twelve thousand acres were made indiscriminately by the Acting Governor Sir R. S. Donkin, a grant of 500 acres to a person who had performed such laborious and irksome duties cannot be considered ill bestowed. The grant *never has*

been offered for public sale. Captain Somerset enclosed it and built a House upon it, and whenever it is sold will be a very extensive loser by the concern.

Mr. Biddulph, though a Lieutenant in the Navy, may have a Father disobedient to the Law.

The introduction of the names of Captain Butler and Mr. Mahony tends to show that contempt of authority in which the Settlers think they have a right to indulge.

The Address (Enclosure No. 6) so far from being got up was a spontaneous act generated by grateful feelings, and it never appeared in the *Cape Gazette*. It was unquestionably disinterested, as it was presented under the impression that Captain Somerset was leaving those who presented it and not with the most remote idea of gaining favour with the Governor's son, as at that moment rumours were most industriously circulated (for reasons best known to the circulators) by all those connected with the Acting Governor that Lord Charles Somerset had no intention of returning to the Government.

Copy of the Law respecting Corporal Punishment is contained in Enclosure No. 2.

The latter paragraph is rather more groundless and basely false than any other. Captain Somerset was removed from a Company in the 72nd Regiment by H.R.H. the Commander in Chief to a Troop in the Cape Cavalry in May 1818. The augmentation of the Cape Corps (here styled a *Fresh* Corps) took place on the 25th October 1819. Lord Charles Somerset's other son, now a Captain in the 9th Lancers, *purchased* at the King's regulation a Company in the Cape Corps (from a Lieutenancy in the 21st Dragoons which he had also purchased) of Captain W. W. Harding on the 17th June 1819, upwards of 4 months previous to the occurrence of circumstances which gave rise to the augmentation of the Cape Corps!!! The expression of "breathless haste" evinces the spirit and disposition in which these falsehoods have been compiled and committed to print.

(Signed) C. H. SOMERSET.

CAPE OF GOOD HOPE, *January 14th 1823.*

[Enclosure 1 in the above.]

I Henry Somerset do swear that during the period in which I executed the Duties of Deputy Landdrost at Graham's Town in the District of Albany during the absence on leave in Europe of Major G. S. Fraser I never did directly or indirectly cause any one to be punished contrary to the existing Laws of the Colony, neither was punishment inflicted on any one except such as had been awarded by a competent Court conformably to the Laws of this Settlement.

(Signed) HENRY SOMERSET.

Sworn before me in Cape Town this 31st day of December 1822.

(Signed) P. B. BORCHERDS, Deputy Fiscal.

[Enclosure 2 in the above.]

For the information of His Excellency the Governor.

Corporal Punishment at the Cape of Good Hope.

Corporal punishment, according to the Law of the Colony, is inflicted either for crimes, or for misdemeanours, commonly called petty offences, with this distinction, that corporal punishment for Crimes is inflicted on the Scaffold, or place of Public execution, on the bare back of the Offender, by the Public executioner and his assistant; while for misdemeanors Corporal punishment is inflicted within the Walls of a prison, by the Constables, either on the back or thighs of the Offender, without being stript of his Clothes.

The difference between these two modes of punishment is expressed by the Dutch words, in the former case of *Geeselen* to Scourge, and in the latter, of *Laarzen* to flog, a term derived from a similar mode of Chastisement inflicted on Sailors on board of a Ship in the Dutch Service.

The power of inflicting Corporal punishment on any Burgher or Inhabitant of this Colony, in either of those cases, is nowhere

vested in one individual Magistrate, but can only be the consequence of a Regular trial, according to the nature of the case, before some competent Board of Judicature, and as such in the Colonial Laws are considered the Court of Justice, or Commissioners from the same, throughout the Colony, Landdrosts and Heemraads in their respective Districts, and in the Sub-Drostdies the Deputy Landdrosts and Heemraads, before whom respectively the Offender is prosecuted by a Competent Officer, and after due enquiry is either acquitted or condemned, in which latter case the Sentence is executed in the manner above described, in the presence of a commission or Officer from the Tribunal which gave the Sentence.

Besides the difference in the mode of execution, as stated, there is another material one, to wit, that Corporal punishment within the Walls of a prison (called in the Colonial Law *domestic correction*, that is Prison correction for Domestic offences) has not the effect of an ignominious punishment, and although leaving some stain on the Offender in the opinion of good men, yet carries no legal incapacities with it, for instance, would not render him incompetent as a witness, save to the Court to value his Credibility as in all other cases of Evidence.

The power vested in the respective Officers of Justice, viz. H. M. Fiscals, Deputy Fiscals, Landdrosts, and Sub-Landdrosts, to order domestick Correction to be inflicted, is confined to Hottentots and Slaves, and extremely limited as well with respect to the nature of the Offence, which must be of a domestic nature or consist in some transgression of minor police regulations; and even then the Correction cannot be applied, without previously ascertaining the Offence, all other Offences of a public nature being subject to the Cognizance of some Competent Court proceeding in a formal way and keeping Record.

(Signed) J. A. TRUTER.

28th December 1822.

[Enclosure 3 in the above.]

Lord Bathurst's Circular Letter to the Settlers with the Clause stating that they are to be governed according to the Laws in force in the Colony.

[Enclosure 4 in the above.]

Crown Trial, or mode of proceeding in Criminal Cases at the Cape of Good Hope, compiled under Lord Charles Somerset's direction and authority by the Chief Justice Sir J. A. Truter, and promulgated in 1819.

(Copy not to be found in London.)

[Enclosure 5 in the above.]

Copy of the Indenture by which Prize Negroes are apprenticed according to the King's Order in Council dated 16th March 1808 :—

This Indenture,

of two parts,

Made on the in the Year of our Lord 18
between

Chas. Blair, Esq, Collector of the Customs at the Cape of
Good Hope,

on the one part,

And

on the other part,

Witnesseth :

That the said C. Blair, Esq. Collector of the Customs, by Appointment of His Majesty, pursuant to an Order in Council, bearing date the 16th March, 1808, hath put, placed, and bound, and by these presents doth put, place, and bind Negroe, which Negroe, being now in Cape Town, has been declared forfeited as Prize to His Majesty by a Sentence of the Vice Admiralty Court in this Settlement, and is named and described in a Document hereunto annexed, and signed by the said Charles Blair, to be an Apprentice with the said for the term of Years, from the date of these presents ; in order to being Instructed in the Trade of and other useful employments thereunto relating. And the said

for self Heirs, and Executors, doth hereby promise and covenant to and with His Majesty, His Heirs, and Successors, that the said shall the said Negroe diligently and faithfully Instruct, or cause to be Instructed, in the said Trade of and other useful employments thereunto belonging, in the best manner that can or may teach, instruct and inform, or cause to be taught, instructed and informed: and the said shall the said Negroe carefully instruct, as speedily as possible, in the Christian Religion, and shall have Baptized when sufficiently instructed, and shall permit and encourage to attend Publick Worship; and also, that the said shall provide the said Apprentice with sufficient and comfortable Food, Cloathing, and other necessaries during the said stipulated time of service, and not treat the said Apprentice with hardship or severity. And the said doth further covenant and agree for self, Heirs, and Executors, that will not assign the said Apprentice to any other Person or Persons, nor send or carry to any other Colony, or Island, without the previous Licence of the Governor and the said Collector or Chief Officer for the time being; and also from time to time, as often as shall be required by the said Collector, or Magistrate of the District in which is resident, that will produce the said Apprentice for inspection and examination, and render a full, true, and just account of the state of health, employment, and treatment of the said Negroe, and of the place where shall or may be at the time of the said Return. And the said doth hereby bind self, Heirs, and Executors, in the penal sum of being double the supposed value of the said Negroe if shall be sold as Slave; and that he will duly and faithfully perform all the Covenants contained herein; and by any default in the due performance of all or any of the said Covenants on the part of the said right to the further services of the Apprenticed Negroe shall, at the election of the Collector or Chief Officer of the Customs for the time being, be forfeited, and the remainder of the term of Apprenticeship to the said shall from thenceforth absolutely cease and determine.

Thus done and executed at Cape Town, Cape of Good Hope, the day of

[Enclosure 6 in the above.]

An address of the Inhabitants of the District of Albany to the Hon'ble Captain Somerset, Deputy Landdrost and Commanding Officer of the Cape Corps.

SIR,—We are deputed to wait upon you on the part of the Inhabitants the Old and New Colonists of Albany, South Africa, desirous to express to you their honest and sincere regret on hearing of your probable removal from the Deputy Landdrostship of this District. They wish to acknowledge their heartfelt obligations for the numerous acts of kindness and attention which they have on all occasions experienced from you.

The old Colonists have long witnessed your zeal and activity in their service. Both old and new Colonists by your exertions can now boast of a truly efficient Corps of Native Troops to which they can with confidence look for future protection and security.

The new Colonists quitting the Shores of England for those of Africa have been welcomed by you on their arrival with a frankness and sincerity which is deeply rooted in their hearts. You have accompanied them to their different locations sacrificing for their advantage your own personal comfort and ease.

You were early in your representations to the Colonial Government of the unfortunate failure of the Crops. You have at all times seconded their parental and beneficent views, and the British Emigrants are desirous through you to express their thanks for the continuance of that liberal aid which has removed their fears and must increase their future exertions.

In your judicial capacity of Deputy Landdrost we have all in common witnessed your anxiety to administer justice with a manly firmness tempered with a becoming lenity.

In private life you furnish a bright example of Domestic worth which we shall long remember and humbly imitate. The British Emigrants are proud to acknowledge the cordiality with which they were greeted by every description of residents, it has united them in one common feeling. Thus united they join in every grateful sentiment of regard and esteem, and in bidding you

farewell they entreat your acceptance of a piece of Plate as a trifling tribute of their lasting remembrance.

Graham's Town, 15th February 1822.

(Signed) A. B. Dietz, Chairman
J. P. Collis
J. Carlisle
Arthur Barker
W. R. Thomson
William Shaw
Chas. Stone
Peter Daniel
Geo. Wilkinson
Robt. Jackson
D. Fraser
Edw. Purvey
John Stanley
J. Thos. Erith
P. Onkruydt
John Henry Dixon
Thos. Cock
J. & B. Wilmot
P. Retief
C. Dalgairns
John Goodwin
Thos. Phillips
Robt. Currie

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 17th January 1823.

MY LORD,—During the period of my absence in England the Acting Governor Sir Rufane S. Donkin caused the erection of a Light House to be commenced at the Entrance of Table Bay. The Contractor has now applied to me for the Issue of a Sum of 7000 Rixdollars on account of that Building and I understand

will at no distant period apply for the Amount of his Contract. Not finding that your Lordship's Authority for incurring the expense has been received I do not feel myself competent to make any Issue on this Account until I shall have the honor to receive your Lordship's Pleasure thereon. I have the honor to transmit to your Lordship Copies of the only Documents that I find in the Colonial Office relative to this Subject. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

CAPE TOWN, 12th September 1821.

SIR,—I take the liberty of enclosing you an Estimate of the Expense which will attend the Building a Light House at Sea Point, agreeably to your order; and I beg you will excuse my not having mentioned a stipulated time for completing the work, which may be fixed hereafter. I have &c.

(Signed) H. SCHUTTE.

Lieut. Colonel Bird, Colonial Secretary.

Estimate of the Expense that will attend to erect a Light House at the Sea Point, near Three Anchor Bay.

To be built as per plan with a single Light, all of Stone work laid in clay, and the outside part of one and a half foot to be built in lime, the stair to be made of Cape yellow wood, the door and window shutters of Teakwood or Fir, for which all Materials, namely Stones, Lime, Clay, Wood, Iron, Lead, Glass, Oil, Paint, and Labour will amount to Rixdollars 12,300, of which deduct 800 half aums lime at 2½ Rds. 1800 : Rixdollars 10,500.

And if it should be built to the Plan with 2 Lights the expense then will amount to Rixdollars 15,400. Deduct Lime Rds. 2,000 : Rixdollars 13,400.

(Signed) H. SCHUTTE.

CAPE TOWN, 12th September 1821.

This was laid before Sir R. Donkin on the 18th September 1821 and approved by him.

There is no Copy of the Plan in the Office, Sir Rufane having taken it away.

(Signed) C. H. SOMERSET.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 18th September 1821.

SIR,—In reply to your letter of the 12th Instant. submitting an Estimate of the expense for erecting a Light House at Green Point, amounting to Rixdollars 10,500 for one with a single Light, and to Rixdollars 13,400 for one with two Lights, I am directed by His Excellency the Acting Governor to approve of the last, or double Light, subject to such deduction as shall arise from the smaller quantity of Materials which shall be required, should a rocky foundation be speedily come to. I have &c.

(Signed) C. BIRD.

Mr. H. Schutte.

[Original.]

Memorandum by MR. CHARLES D'ESCURY.

Mr. Parker, a Settler who came to the Colony as the Head of a Party of Settlers under the regulations of 1819, Released from the purchase of an Estate belonging to and sold by order of Government, situated on the West Coast of Saldanha Bay.

This sale took place in April 1820, by public bidding, at the office of the Landdrost of the Cape District in the usual manner, when said Mr. Parker being the highest bidder, was declared the purchaser for the sum of Rds. 13,333, to be paid by instalments, and he produced according to the conditions of the Sale, two creditable, and approved Sureties, who became bound for the punctual payment of the purchase Money, to which was also added a reserved rent of Rds. 24 per Annum, and a transfer duty

of 4 Per Cent on the purchase Money, the latter to be paid as is customary, previous to the delivery of the title deed.

The estate consisted of a good House, some out houses, and 3148 Acres of Land, situated on the west side of the Bay, and on which the Government Resident lived, and had his Establishment.

In order fully to understand the nature of the case, it must be shewn, in connection with two other transactions, the first, that of a grant on Perpetual Quit Rent made with the consent of Lord Bathurst to a Mr. Watney, of an Estate called Clapmuts, in this District, for which said Mr. Watney was to pay annually Rds. 1200.

Mr. Watney proposed to Government to give up a Freehold Property belonging to him on the East side of Saldanha Bay, in lieu of those Rds. 1200 Annual Rent, thereby to obtain the Clapmuts in Freehold. The Government readily embraced this proposal, as it held out many advantages: it enabled the Government to remove the establishment of the Resident from the ill-chosen spot it had hitherto occupied, to the East side of the Bay, where its communicating with the shipping, with Cape Town, and with every part of the Country, would be much easier, and the situation in every respect be far more eligible. Within this Freehold is found a Strong Spring (permanent) of excellent water, the only fresh water within a considerable distance, which by this exchange became at the disposal of Government applicable to about 5 or 6000 Acres of Land, which for the want of Water had hitherto been useful only to the owner of this Spring; but what is far more essential still, it is the only Spring of perfectly fresh water from which the shipping can be supplied, and which now is in the possession of Government, under the immediate eye of the Resident, whereas before it was in the hands of an individual and under no public control, and which then also will bring into more effectual use, whenever required, a singularly advantageous point, at a short distance from this Spring, tho' without the Freehold, forming a kind of natural Jetty, being a projecting perpendicular rock with deep water alongside of it, so Landlocked that the water is at all times still and smooth, and large ships can with perfect safety lie close to it.

SECOND. The Government thence enabled to remove the Resident's establishment from the old spot, that Estate became

disposeable, and tho' not suited for the purpose for which hitherto it had been used, was otherwise not without advantages, and it was accordingly put up for Public Sale and bought by Mr. Parker as just stated.

This transaction stands thus :

	Rds.
The old Govt. Post sold to Mr. Parker for . . .	13,333
Transfer duty on the same at 4 per cent. . . .	533
Stamp &c.	30
	<hr/>
	13,896
The Estate of Mr. Watney made over to Government worth,	
as per last transfer	9,000
	<hr/>
Total	Rds. 22,896

which taking it as a private transaction between Individuals, this capital of Rds. 22,896 would pay an annual Interest of Rds. 1374, in return for the Rds. 1200 of rent given up, independent of the other advantages before explained. This therefore was a very advantageous arrangement for Government, but at the same time it is clear that the principal advantage lay in the favorable Sale of the Old Resident's Post.

This Sale as has been shewn took place in April 1820. Mr. Parker however was not more successful on his Estate, tho' *of his own selecting*, and then also his own property, than he had been on the Land allotted to him by Government for his Location, and that of his party, in fact Mr. Parker is a Man of that restless, discontented and turbulent disposition that ill assorts with the peaceable, steady, industrious habits of an agriculturist, particularly one in his situation, who having left Ireland ruined in circumstances, had his own fortune to retrieve, and had besides made dependant on himself the well being of so many others whom he had persuaded to embark with him for this Colony. But these latter, he soon left to their fate, and then sought to blame the Local Government for his want of success, whose patience and forbearance he tried by every possible vexatious means in his power, whereas he, and every other Settler, should have appreciated the anxious solicitude, and unremitting endeavours of the Government, under circumstances of the greatest difficulty and embarrassment, to provide for the wants and even comforts of every one of those persons, but Mr. Parker insensible

to those endeavours, unmindful of the extreme forbearance with which his waywardness was suffered, his insolence even passed unnoticed, exciting pity rather than anger; but nothing could bring back his perturbed mind under the controul of reason, volumes of insult and abuse issued from his Pen, he even addressed his complaints to Lord Bathurst in a strain of insolence, that brought, by His Lordship's Commands, an answer little to Mr. Parker's liking or expectation; in the meantime giving full vent to every angry passion, he wrote and spoke incessantly in language the most gross and scurrilous against the constituted authorities, but more particularly towards the Colonial Secretary his invectives were most bitter and indecent, till at last the public tired and disgusted, marked in the strongest manner the contempt he had excited, and the Merchants actually banished him the Commercial Room. Thus sunk into contempt he might have retired to his estate unheeded, leaving no trace of his intended mischief behind. But for such retirement he was now become more than ever disqualified, he wished to be disencumbered of his Land, applied to be released from his different engagements, and to have his purchase annulled. In this not immediately successful, he resumed his pen *but with indications of changing the object of his attack*. Whether any or what connection this circumstance had with what soon after followed is not known, but the fact is that Mr. Parker was released from all his engagements; emboldened he added *claims* to the favours so received, in all which, tho' not successful perhaps to the extent he dared to ask, yet far beyond what any one, under much more favourable circumstances than those Mr. Parker was placed in would have ventured to hope. His Sureties were released also; and thus in favour of Mr. Parker was cancelled a Deed, the Key Stone of a well concerted and successfully executed transaction, in every respect beneficial to the Public, a considerable Estate was thrown back upon it, with the loss of two years produce it ought to have yielded in the Markets, two years rent, the transfer duty, the purchase Money, which now would probably not again yield the same as that Mr. Parker was bound to, with the interest upon it, and the deterioration of the Buildings thro' neglect, besides many other circumstances of particular favour not immediately belonging to the distribution, and application of the Soil.

In proof of the loss sustained by the public on account of the

release granted to Mr. Parker, it will be necessary only to state that the same Estate was put up again for public Sale on the 15th January 1823, when no more than Rds. 5000 was offered,—consequently *not sold*. This may be attempted to be argued into a proof of the hard bargain Mr. Parker had made for himself, and thence a merit be deduced from having released him. But this was not the case, it is the natural consequence of Mr. Parker having unceasingly cried down the Property, his having had it two years without ever attempting to do anything with it, his entire neglect of the Buildings which have thereby been materially injured, and *then* having been released; from which necessarily followed that the property thus cried down, depreciated, and deteriorated, being thrown back upon the hands of its former owner, the Public, every future bidder will take advantage of it, and no one will ever after buy it again *but as a bargain*. And what renders the circumstances the more mortifying is that, at the time when Mr. Parker bought the Estate the next bidder to him was the representative of Mr. Colebrooke, a gentleman of large property, whom it would *then* have greatly suited, with whom the terms of the purchase would have been perfectly secure, and who moreover was possessed of ample means, and was disposed to improve it.

C. D.

17th January 1823.

[Copy.]

Instructions given to the Commissioners of Enquiry proceeding to the Cape of Good Hope, Mauritius, and Ceylon.

DOWNING STREET, LONDON, 18th January, 1823.

GENTLEMEN,—His Majesty having been pleased, in pursuance of an Address of the House of Commons, dated 25th of July last, to give directions that a Commission under the Great Seal should be issued, authorizing and empowering you to act as Commissioners for enquiring into the state of the Colonies of the Cape of Good Hope, Mauritius, and Ceylon, it becomes my duty to furnish you with such Instructions as appear to be requisite for your guidance in the execution of the trust thereby reposed in you.

It is not my intention to advert to every specific object which in the wide range over which your Commission extends, must pass under your examination; it will be sufficient at present, that I should direct your attention to those points which will form the leading subjects of your enquiry, almost all of which may be comprised under these heads:

The general administration of government, and the immediate control exercised by the Governor himself, or in conjunction with a council, in the several departments.

The local institutions, establishments and regulations, civil and military, and more especially those of a judicial and financial character.

The public documents concerning these three Colonies, which are deposited in this office, and to which you have had free access, will have supplied such preparatory information as will enable you, on your arrival there, to enter immediately upon the proposed investigation. By the perusal of these documents you are already fully acquainted with the nature and extent of the powers vested in the Governors respectively by the Royal Commission and Instructions, and the modifications under which it has been His Majesty's pleasure, that the laws and institutions which existed under the former sovereignty, should be administered and maintained.

The only material difference, as far as concerns the form of general administration in all these Colonies, is, that in one only, it has been thought fit hitherto to appoint a council.

In reporting upon the manner in which the executive and legislative functions are discharged, you will therefore state what degree of assistance may have been afforded, and whether any control may have been exercised by the council in the one case, and the immediate effects and tendency of such an institution; and in the other, whether it might be advantageously introduced under any and what modifications; and you will refer to the manner in which all public acts of authority are framed, issued, promulgated and recorded. You will report how far the control of the Governor extends over the civil and military establishments, its operation in the immediate appointment or recommendation to public offices and employments, and in assigning and regulating the emoluments respectively attached thereto, and whether with or without reference in these respects, for approval to His Majesty's Government.

You will also ascertain the extent of his control over the funds and resources of the colony, in levying, augmenting, appropriating or issuing them; and the authority which he exercises as to granting and disposing of lands, with the terms and conditions of such grants, and how far they are subject to the sanction and confirmation of His Majesty; always bearing in mind in this and similar investigations, that this Commission is entrusted to you for the purpose of prospective regulation and practical improvement, founded upon present examination, and upon retrospective enquiry.

On reviewing the list of civil and military colonial appointments, when such may be deemed necessary for the accomplishment of those objects, the nature of the duties and functions of public officers of every description must be enquired into, and the amount of their respective salaries and emoluments, from whatever source derived, distinctly ascertained; and you will state your opinion as to the expediency of retrenchment or reduction in every case in which you may deem it advisable, and also as to the degree of compensation to which the persons affected may be fairly entitled, and the principle by which it should be regulated.

All colonial pensions or allowances will in like manner be submitted to your investigation, so that you will have an opportunity of stating the amount of all such grants, and the reasons assigned for their origin.

With respect to your enquiry into the financial management of the military establishments, you will carefully examine how far these establishments may be maintained in a state of equal efficiency, under any reduction of present expenditure.

You will not fail to direct your attention to the state of religion, to the support afforded to the Church of England, and to other religious institutions; and, as connected with this subject, to all public establishments for education (for charitable purposes in particular), and you will report, whether and in what manner the national system of instruction may be advantageously introduced.

The judicial enquiry will embrace the whole system and administration of civil and criminal justice, including the conduct and regulation of the police; and the jurisdiction separate and concurrent of the Courts of Admiralty.

The introduction of the English language in the courts of law,

and in all public proceedings, connects itself with this branch of your investigation.

With respect to complaints which individuals may be disposed to refer to you, against any established authorities in the respective colonies, you will understand, that you are not authorized to enter into an examination of such complaints, unless you receive specific instructions to that effect from this department, or unless in very special cases which cannot be anticipated. But it will be a particular and careful object of your enquiry, to ascertain whether any impediments exist to the facility of their redress by the courts of justice within the colony, or in cases where the courts of justice are incompetent to afford the relief required, to the transmission of such complaints to His Majesty's Government at home.

Your Financial Report will comprehend whatever relates to the existing sources of Revenue, either of the crown, or of the colony; their present extent and possible augmentation, and the comparative amount and expense of collection; the annual expenditure fixed and contingent, with the means of providing any local and immediate checks, and the possibility of reducing it within the ordinary resources of the colony; the state and administration of Government property, fixed and moveable; the conduct and superintendence of government works; the employment of convicts and slaves; and the improvement of roads, harbours, &c.

The causes of embarrassment, as produced from the circumstances and commercial relations of the colonies, and from the systems of finance there adopted; the public loans and securities; the banking establishments, their nature and extent; and exposition of the principles upon which they may be rendered more beneficial; the debt of Government, and its connection with the state of the colonial currency, and a reference to the state of exchange.

The foregoing heads of instruction apply equally to the three colonies, but there remain some points upon which it will be necessary that they should be separately adverted to.

At the Cape of Good Hope, where it is proposed that your enquiry should commence, you will revert to the alterations lately made in the judicial procedure of the colonial courts, and to the means of introducing a gradual assimilation to the forms and principles of English jurisprudence, more immediately with regard to the British portion of the community. You will fully inform

yourselves of the condition of the Government slaves, and of that of the apprenticed Africans, their present manner of employment, and the means of their future emancipation and maintenance. The means of opposing an effectual check to the extension of cultivation by slave labour in land recently occupied, and the measures adopted for preventing the illicit introduction of slaves, whether by land or sea. You will attend to the relations of the colonial government with the native tribes, with reference to police, or commerce. To the state of the Hottentot population, and the means of encouraging the labour of native free blacks, especially in the frontier districts, where the climate may be less suited to Europeans. The tenures of land will be considered with a view to the assimilation of the old and modern rates of assessment, and to the encouragement of agriculture. And you will particularly enquire into the circumstances connected with the settlements lately formed, and the probability of their success and advancement.

At Mauritius, a most important part of your duty will be to enquire into the state of slavery, and the condition of the Negroes, and the means of relieving them, by encouraging a free labouring population, also by encouraging the substitution of machinery and the labour of animals; the condition of the government slaves, their present employment, and the means of their instruction and future emancipation. The measures which have been adopted for preventing the illicit importation of slaves, and the success of such measures, including the treaties entered into with the native states of Madagascar, and the coast of Eastern Africa.

You will take into consideration the improvements recommended under the instructions for the new charter of justice.

But I am more particularly to instruct you, without loss of time to enter into a special enquiry into the proceedings and conduct of the Chief Judge, and of the late Procureur General, respecting the treatment of certain slaves placed under confinement, together with the circumstances affecting both officers, that have been developed in the course of the enquiry which has already taken place in the colony.

The object of this investigation will be, to acquire additional information to that which has already reached His Majesty's Government, thereby enabling it to take such further measures as a more complete view of the case may suggest. It is highly desirable,

that the evidence and information collected upon this point, should be transmitted with as little delay as possible.

In the prosecution of your enquiry at Ceylon, your attention will be directed to the original tenures of land, the expediency of making grants of land, and the conditions on which such grants should be conferred, and the system of cultivation in the Cingalese and Kandyan provinces; to the effects of loans to land-owners, and aids afforded by Government; the effects of gratuitous and compulsory services, and means of commuting them; the disposal of the Government share of crops; the means of promoting the growth of subsistence; and effects of the introduction of machinery; the state of the pearl and other fisheries; the administration of the law under the revised charter of justice; the judicial establishments in the interior; the laws and regulations respecting slaves, and for effecting the extinction of slavery; effects of the present system of the civil service, with regard to pensions and superannuation, and future alterations and regulations to be adopted upon this point.

I shall conclude this communication with observing, that it is not meant that you should be precluded from pursuing any other object of enquiry, which, though less prominent than those which I have enumerated, may usefully contribute to the stock of information which it is the desire of His Majesty's Government to collect, in order that they may be enabled to decide upon such measures as are best calculated to promote the immediate improvement, and secure the lasting welfare of the valuable possessions to which you are about to proceed. I am, &c.

(Signed) BATHURST.

John Thomas Bigge, Esq.

and

William M. G. Colebrooke, Esq.

[Copy.]

Memorial of MR. JOHN FOURNIER.

To His Excellency the Governor, Cape Town.

The Memorial of John Fournier, R.N., setteth forth the great inconvenience and injustice he endureth from the encroachment of

Mr. Shaw upon his location. Your Memorialist in pursuance of the directions given him by Harry Rivers Esqr. sent Your Excellency a statement of the particulars, in the month of October last, of the injury which he sustains, with duplicates of the letters written by him to that Gentleman upon the subject.

Your Memorialist begs further to state, that Mr. Shaw not satisfied now with retaining the principal part of his location from him, has, since his last Memorial to your Excellency, blocked up the only road that your Memorialist had, leading immediately from Graham's Town to his habitation. He has fenced in his water, thereby depriving his cattle of it, and obliging them to stray more remote and upon men's premises to procure it: this water your Memorialist had with much labour brought to irrigate the land, the benefit of which he greatly experienced the last Season, but has not procured any advantage from it since the abode of Mr. Shaw upon that place.

Why your Memorialist considers the proceedings of Mr. Shaw to be unjust, is, because he has been informed not only by your Memorialist and several others, but even by Captain Campbell himself, who was then magistrate of the district, that Mr. Morton, the man who pretended to sell it to him, was himself ordered off it by the Court of Heemraden, and furthermore his giving his voluntary consent, as well as your Memorialist, to leave the dispute to the investigation of three gentlemen whom the Landdrost appointed for that purpose, after binding down the several parties finally to abide by their decision.

A Memorandum of which was taken by Mr. Dyason, the Landdrost's clerk, upon the spot.

The decision being given in favour of Your Memorialist, Mr. Shaw refuses now to abide by it, although he was ordered by Captain Campbell (magistrate) and one of the investigators to do nothing more upon it, and that he was not to be considered in possession of the place.

The Petition of your Memorialist is, that Your Excellency will be pleased to give directions for the Land allotted to Morton and Company to be subdivided, and that no one individual be allowed to trespass or reside upon that which does not belong to him to the molestation of another, as is the tenor of our agreement, which is in my possession, drawn up and signed in England with all the forms to be procured from the Laws to make it binding.

As all the other parties concerned are desirous that this should take place, Mr. Shaw's objection to it is the only hindrance to its taking effect, and rendering it necessary for the interference of your Excellency.

Your Memorialist now begs leave to observe that if the proceedings of Mr. Shaw be not put a stop to, he will be reduced to the deplorable condition of not being able to procure himself a sustenance, your Memorialist not now having the means to procure that protection which the law affords, through the expence and loss of time which he has already suffered for such a length of period. Your Memorialist therefore humbly trusts that Your Excellency will be pleased to grant him that redress which, alone, is necessary to ensure success to his labor.

Your Memorialist understanding that Mr. Shaw endeavours to lay claim to a portion of his land under the plea of there being no water upon his own, conceives it necessary for him to inform Your Excellency that he offered to point some to him in the presence of the three investigators, notwithstanding they would not admit of the necessity for him so to do. He has since procured a certificate signed by his neighbours testifying Mr. Shaw's land to possess more water upon it than your Memorialist's, which certificate was sent to Harry Rivers Esq. At this time, the driest since the arrival of the settlers, and whilst in possession of the place in dispute your Memorialist has not a sufficiency for his cattle.

Your Memorialist as in duty bound will ever pray &c.

(Signed) JOHN FOURNIER.

GROBLER'S KLOOF, ALBANY, 18 *January* 1823.

[Original.]

Letter from GEORGE HARRISON, ESQRE., *to*
ROBERT WILMOT, ESQRE.

TREASURY CHAMBERS, 20th *January* 1823.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 7th Instant with a Petition from the Bible Union Society at the Cape to import from Holland

ten Cases of Bibles duty free, I have it in command to acquaint you for the information of Earl Bathurst that My Lords have been pleased to direct the Commissioners of Customs to authorize the importation and re-exportation of the Books in question duty free as requested. I have &c.

(Signed) GEO. HARRISON.

[Original.]

Letter from COMMODORE NOURSE *to the* COMMITTEE OF
LLOYD'S, ROYAL EXCHANGE, LONDON.

HIS MAJESTY'S SHIP *Andromache*,
IN SIMON'S BAY, *January 20th 1823.*

GENTLEMEN,—I take the liberty to send you a copy of my Letter to the Secretary of the Admiralty, and also of a correspondence with His Excellency Lord Charles Somerset, upon the importance of erecting a Light-House upon the Rock called "Noah's Ark," at the entrance of Simon's Bay.

As my reasons for suggesting this measure are detailed in this correspondence, I shall only here beg to observe, upon its importance; and my desire to draw your serious consideration to a measure, which, had it been undertaken some years since, would have saved large sums to the Underwriters.

Your Committee will most probably have these losses in your recollection.

And to be further satisfied of the importance of the measure I propose, will only have to call before you any intelligent Master of a Ship, who may be well acquainted with this Anchorage, and more particularly, have happened to enter False Bay in the Night, of which I have no doubt, many may be found.

His Excellency Lord Charles Somerset is so satisfied of the utility of what I propose that, (altho' it seems the Colony is not able to go to the expence) he writes by this opportunity to my Lord Bathurst, to recommend it strongly.

I feel satisfied that my Lords Commissioners of the Admiralty, as well as my Lord Bathurst, will be convinced of its importance, yet, as the Government, particularly in these times, are extremely

cautious of incurring éxpense, those considerations may operate against its adoption; it is for these reasons that I have thought proper to address your committee, to whom it cannot but be a matter of interest, and I feel satisfied the éxpense would be small.

I believe Sir J. Brenton will be found in London: your Committee may perhaps be acquainted with the high Professional Character of this Gentleman, and as it will appear by an extract of his Letter to the Navy Board, which I enclose, that he had taken up the Subject, I have no doubt, if called upon, he would very readily give you his opinion upon it.

The Estimate I consider much too low, but I cannot conceive it ought, particularly with the Public aid that might be afforded, to exceed £1000. I shall however endeavour to obtain an estimate in time to forward with this letter. I have &c.

(Signed) JOSEPH NOURSE, Commodore.

P.S. *Barrosa*, Captain Hutchinson, arriving in Simons Bay, July 1822 and nearly lost on Seal Island, not having any light to guide her.

The Dutch Ship *Ida Allida*, Captain Sykes, came into False Bay in 1818, and for want of a Light to guide her into Simon's Bay, ran on shore at the bottom of the Bay in the Night, and was totally wrecked, with a Cargo worth £80,000.

The *Medusa* came into the Bay with a Cargo of Naval Stores, went on shore at the same place, starting her keel and Stem-Post, but got off and repaired.

Emu, Government Brig from New Holland, went on shore at the same place, got off with loss of keel, and was hove down and repaired by the Naval Yard.

The above cases happening in the Night, and are but a few of the casualties, that occur in a few years.

J. N.

P.S. It will be seen by Lord C. Somerset's letter that Major Holloway had imagined the éxpense to be £5,000 or upwards, and by his own letter not more than £500. To account for this difference, the Major had totally misconceived the situation and size of the rock, until he came to Simon's Bay and went upon it with me. When I get his estimate and plan I shall have the honor to forward it to your Committee.

J. N.

[Enclosure 1 in the above.]

ROYAL ENGINEER OFFICE,
CAPE OF GOOD HOPE, 24th January 1823.

DEAR SIR,—Having examined the Rock in Simon's Bay called Noah's Ark, I can have no difficulty in saying that the erection of a Light house upon it is perfectly possible at an expense of little amount.

It is composed wholly of compact granite, its sides rising perpendicularly to a height of 14 feet above high water mark, forming a table at top 138 feet by 96 feet, and over which the sea does not break. Hence a secure building 30 or even 40 feet high could be constructed having the upper story made into a proper apartment to contain the light. I shall have much pleasure in drawing up a detailed estimate of the expence: the amount of which I have no reason to think would exceed £500 Sterling, with such aid as the public Departments might afford without incurring an extra expenditure. I have &c.

(Signed) W. C. HOLLOWAY,
Major & Comg. Royal Engineers.

[Enclosure 2 in the above.]

HIS MAJESTY'S SHIP *Andromache*,
IN SIMON'S BAY, January 8th 1822.

SIR,—I have to beg you will be pleased to call their Lordships' attention to what I consider extremely important to the safety of His Majesty's ships, and all others that may be coming to this Anchorage in the night time, which will on many occasions *unavoidably* happen, particularly during the season of the strong S.E. Winds.

I take the liberty to address their Lordships on this subject from the circumstances which have occurred to His Majesty's ship.

When I first came from England the *Andromache* was becalmed in False Bay, till towards the evening, when a breeze sprang up which enabled me to push for the anchorage in Simon's Bay; but we could not make it before the Moon was set, and it became very

dark, rendered more so close in with the Land, by reason of its vast height; yet it is absolutely necessary to keep the land close on board, in order to make out the Rock called "Noah's Ark," which must be rounded close, to gain a safe berth in the Bay and to avoid the Roman.

I had fired guns on approaching, what we supposed to be the entrance of the Bay in order that a boat might be sent to place lights on the Noah's Ark, and Roman, or at all events, that some person might come out and take the ship in. It is also to be observed, that by reason of the dark shade cast by the high land, it is impossible even when close off its entrance to make out any vessels that may be at anchor in the Bay; by some accident, no notice was taken of the ship's approach, and there being but one person on board acquainted with the place, we were obliged to wait until I had sent him in a boat to Place a light on the Noah's Ark Rock, by which we steered in to an anchor. The wind at this time was light and favourable, so that the ship could preserve a proper position, until such time as the entrance could be clearly defined.

In coming in last night, on arriving off Cape Hanglip the sun was setting and the S.E. wind became very strong, yet I deemed it more prudent to run for the anchorage than to be out in a S.E. gale, and the probability there might be of the ship not being able to reach the Bay again for some time.

The ship was steered into the southward of the Whittle Rock and for the Paul Berg, in order that by running with the *land close aboard* the Noah's Ark Rock might be instantly made out; for in S.E. gales it is absolutely necessary that the ship should haul close round it, to avoid the Roman, and to gain a safe anchorage in the Bay.

There was no moon, and by the time the ship was drawing up to the entrance of the Bay, it blew with great violence; every look out and every precaution for the safety of the Ship was taken; it was extremely dark, and there was an absolute necessity to keep the ship as close to the shore as possible. Suddenly the Rock Noah's Ark was seen close on the Starboard Bow, the helm was instantly put hard a Port and the Ship just cleared it, and by hauling up again close round it, she was enabled to gain a safe Anchorage, when Mr. Kingston's Anchor (now become a favourite) was let go with the chain cable to it; and notwithstanding the

sails were furled, and another Bower Anchor let go; such was the violence of the wind that it was with difficulty the ship could be brought up till all the Chain Cable was nearly out.

I now come to the point to which I think it so important to call their Lordships' attention, which is to have a Light House placed on the Noah's Ark in such form and manner as upon consulting some skilful Engineer may be best adapted and least expensive.

To this the colonial Government of the Cape may be induced to give considerable assistance both in labor and Materials, so that the cost should be as little as possible, and it might (I should think) repay itself in levying a small tax upon Tonnage on all vessels touching here, of which there are in the year a great number. Vessels might enter this Bay then with perfect safety at any time of night. And in coming from the East the moment you pass Cape Hanglip the light would be distinctly seen, and steered for, by which also that Dangerous Rock the Whittle would be avoided.

Ships coming from the Westward and rounding Cape Point about night fall, would only have to keep the Larboard shore on board, until the Light on Noah's Ark should be seen; when they would feel themselves perfectly secure.

With the wind at N.W. or out of False Bay, Ships will of course be secure from danger till daylight, when they can beat in.

I had made these Remarks to forward to their Lordships before I had an Idea, that the subject had been previously taken up by Sir J. Brenton and Sir Murray Maxwell, but on speaking to Mr. Pennell, he shewed me the correspondence which had taken place, in which I find that two light-houses had been proposed; it appears to me that one on Noah's Ark is the most important and that another might be dispensed with.

I find also that the Commissioners had sent a calculation of the expence to the Navy Board, which is very trifling.

On these Points I am neither properly prepared, or competent to speak, but it appears to me that the height necessary need not be more than 30 feet, and the Materials, Stone, and Lime are on the spot, so that the expence cannot with the public assistance be an object of consideration: more particularly, compared to its public utility and which by a small Tax on Tonnage would put money into the Colonial Hands.

I shall refrain from stating particular instances, in which vessels

have been lost, or in dangerous situations, from coming into this Bay in the night, as they are so numerous, but merely state that the *Hyperion* was chiefly instrumental in saving an Indiaman. And that the *Andromache* by prompt assistance at Daylight saved a Whaler of great value, nearly in the surf at the bottom of the Bay, with very indifferent anchoring tackle, and all her crew ill with the scurvy, and that the *Leven* found herself at Daylight close to that dangerous Rock Seal Island. I have &c.

(Signed) JOSEPH NOURSE, Commodore.

To J. W. Croker, Esqre.

[Enclosure 3 in the above.]

HIS MAJESTY'S SHIP *Andromache*
IN SIMON'S BAY, January 14th 1823.

MY LORD,—I have the honor to send your Lordship a copy of a letter I am about to forward to my Lords Commissioners of the Admiralty in which I have given my reasons for desiring to draw their Lordships' serious consideration to a work of great Public utility and importance which could be done at little expense with the Public assistance that could be afforded, and which I feel confident by a very small Tax on Tonnage (which I can vouch for, from the recent experience I have had in coming into this Bay in the night, in a S.E. gale would be most cheerfully paid), there would be a Revenue arising out of the undertaking, to the advantage of the Colonial Government. Under these circumstances and the trifling expence it appears to me necessary to complete the proposed undertaking and the Public aid that can be afforded, Your Lordship may perhaps be induced to proceed in it, so as to render it unnecessary for me to move the Lords Commissioners to order the undertaking at the Expence of His Majesty's Government.

May I beg the favor of your Lordship's reply, in time to transmit it to England in H.M. Sloop *Cygnat*. I have &c.

(Signed) JOSEPH NOURSE, Commodore.

N.B. There being two whale Fisheries in False Bay, Oil

could also be procured for the Light, at a very reasonable Rate.—J. N.

To Lord Charles Somerset.

[Enclosure 4 in the above.]

SIMON'S TOWN, *January 17th 1823.*

SIR,—I have been honoured with your letter of the 14th Instant covering the Copy of one you propose to address to the Secretary of the Board of Admiralty relative to the erection of a Light House upon the Noah's Ark Rock in this Bay, and stating that if I were induced to proceed in the work, it would be unnecessary to submit the subject to the Lords Commissioners of the Admiralty. In reply, I have the honor to state, that I am wholly restricted from incurring any expence whatever without the previous sanction of the Lords Commissioners of His Majesty's Treasury. And although I have no doubt of the utility of the measure proposed to His Majesty's Ships it would, as one of Colonial importance, be comparatively but of little moment, as it is very rare that any British Vessels (not more than 20 in a year) except those of His Majesty's Navy enter Simon's Bay. Upon a conversation on this subject with the Commanding Engineer on this Station Major Holloway (an officer of distinguished science) I find it is not probable that the work could be effected under an Expence of £5000 or upwards. In allusion to a paragraph in your letter to Mr. Croker respecting the assistance the Colonial Government might be capable of affording, I beg to state that the Colonial Government possesses neither Artificers nor Labourers, and that any Building or repairs that it is compelled to undertake is effected by Public Tender from the Tradesmen of the Place. Major Holloway states too, that the Lime made in the Colony is not of a quality for a work of this nature and it would therefore require to be built with English Lime. I have &c.

(Signed) CHARLES HENRY SOMERSET.

To Commodore Nourse.

[Enclosure 5 in the above.]

HIS MAJESTY'S SHIP *Andromache*
IN SIMON'S BAY, *January 19th, 1823.*

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's Letter of the 14th inst. in which the statements are at variance with those I have procured and investigated, and of the accuracy of which I still feel satisfied.

Before I took the liberty to write to your Lordship on the importance of such a measure as erecting a Light House upon Noah's Ark Rock, I had made those minute enquiries that satisfied me, with the assistance that might be given from the Public Departments, the expence for erecting such a building as would answer all the purposes required might be done at a small expence.

I will take the liberty my Lord, to reply to the statements that are contained in your Lordship's Letter as they occur.

It is your Lordship's opinion that there is no doubt of the "utility of the measure proposed, to His Majesty's Ships; but, as to its Colonial importance it would comparatively be of little moment, as it is very rare that any British Vessels (not more than 20 in a year) except those of His Majesty enter Simons Bay." I have taken an extract from the Harbor Master's book of all the arrivals in this Bay from 1810 up to this present year, by which Your Lordship will perceive the average has been 32 Men of War and Transports and 35 Merchant Ships, and in the last year of the former 19, and 28 of the latter, and it is to be taken to account that the tonnage has been very considerable, as will be seen by an extract of a letter from Sir J. Brenton to the Navy Board for the year 1815. Upon this I will make another observation my Lord. In the event of the Light House I propose being erected, many ships of large tonnage which may make the Cape at close of day, and when the season of the year may not permit them safely to enter Table Bay, aware of the difficulty and danger of entering False Bay in the night, are deterred altogether from touching at this Colony.

It may therefore be presumed that many ships of large tonnage which will not go to Table Bay *at any* Season, and are afraid of approaching False Bay, may, knowing there is a Light House, be induced to come into Simons Bay.

The next point in Your Lordship's letter is the opinion of the Commanding Engineer on this Station, Major Holloway, in a conversation with Your Lordship, that it is not probable the work could be effected under an expense of £5,000 or upwards.

Your Lordship will excuse my remarking that an opinion asked and given in a conversation may be liable to much mistake, particularly when I apprehend Major Holloway may have imagined such a Light House as is in progress at Green Point or any other, such as the Eddystone or Cordovan, here the case is totally different. 30 feet, and I am not sure but 10 may be taken from that (of which however I am now taking measures to ascertain) would be height sufficient.

The Stone is all at hand, the Shell Lime with Parker's Cement for the Base Work (of which we have sufficient in the yard) I am assured by experienced persons in the trade will answer perfectly. The Shell lime may be burnt and made within a short distance of the rock, or purchased at a small expense in the neighbourhood and carted to a short distance from the Rock, thus allowing the structure to be of stone the materials cannot be of great expense.

The Rock is of considerable surface, more than is necessary for the Building, flat and so high out of the water that the Sea will never break in volume against the Building; nothing but its spray can ever reach it.

In regard to the Paragraph in my letter to Mr. Croker respecting the assistance the Colonial Government might be capable of affording, Your Lordship states that the Colonial Government possesses neither artificers nor labourers and that any Building or Repairs that it is compelled to undertake is effected by Public Tender.

I find my Lord that I have ill expressed myself. I meant Artificers and Labourers that would be found in His Majesty's Regiments doing duty at Cape Town or at Simons Town, in which, if it is not already known, I apprehend a number of excellent Tradesmen may be found who would be glad to be employed for the extra pay that would be given; but if none my Lord are to be procured from thence I would undertake to furnish them all from His Majesty's Ship *Andromache*, and myself and my officers and my ship's company would find it an amusement, rather than a toil, to attend and assist without the Government being put to any expense on that account.

A skilful Engineer and a Mason to plan and direct the work would be all that is necessary.

Having taken the liberty of entering into this detail my Lord, I beg to apologize for it, and have written it not to press the matter upon your Lordship's notice again, but to answer the difficulties and objections pointed out in Your Lordship's letter.

I have &c.

(Signed) JOSEPH NOURSE, Commodore.

To Lord Charles Somerset.

[Enclosure 6 in the above.]

A List of ships and vessels arriving at Simons Bay during the following years.

Years.	Men of war and Transports.	Merchant ships.
1810	12	40
1811	11	36
1812	12	21
1813	25	20
1814	26	26
1815	46	42
1816	43	41
1817	50	37
1818	34	43
1819	55	54
1820	53	32
1821	31	41
1822	19	28
	417	461

Averaging in one year 32 Men of War and Transports and 35 Merchant Ships.

(Signed) JOSEPH NOURSE, Commodore.

[Copy.]

Extracts from "Lloyd's List."

21st December 1819. Cape of Good Hope, 22nd October, the *Elizabeth*, Harrison, from Bombay to London, arrived in Table Bay 7th Inst., and in the evening missed stays, ran on shore, and has since gone to pieces. The *Feniscowles*, Humble, from Bengal to Liverpool, in coming in last night ran on shore at Green Point and is totally wrecked.

1821, March 16th.—The *Anna*, Baumgardt, from London to Bengal, the *Dorah*, Aikin, of Bengal, and the *India* Packet from Batavia, were lost in Table Bay, Cape of Good Hope, during a Hurricane on 4th January.

May 29th.—Cape of Good Hope 14th March. The *Cerberus*, Rennoldson, from Bengal to London, in making Table Bay 10th Inst. before Sunrise, ran on shore at Blauberg, and will be wrecked.

1822, January 4th.—The *Waterloo*, Lyon, was driven on shore in Fish Hook Bay, Cape of Good Hope, 25th Oct. and the following day was a total wreck.

January 14th.—The *Flora*, Bloom, from Batavia to Amsterdam, was lost on 25th Sept. on a Reef off Robin Island at the entrance of Table Bay.

August 27th.—Cape of Good Hope 22nd June. The *Fame*, Clark, from Bengal and Madras to London, in beating out of Table Bay 14th Inst. drove on the most Rocky part of Sea point and was wrecked.

October 8th.—The *Antelope*, Cole, from the Cape of Good Hope to the River Knysna, was driven on shore in Table Bay 10th July.

Cape of Good Hope 12th July. On the morning of the 10th Inst. the *Sarah*, North, from Bombay to London, during a gale from N.W. filled at her anchors, afterwards drifted to the head of the Bay, and was totally wrecked.

October 15th.—Cape of Good Hope, 22nd July. Last night we experienced a most tremendous Gale of Wind, when the following vessels were driven on shore, viz :

Royal George, Powditch, from Van Diemen's Land,
Adriatic, Rutta, from London,

Lavinia, Keith, from London,
Leander, Middleton, from London,
Sun, Murray, for London,
Olive Branch, Kind, for London.

November 26th. Cape of Good Hope 24th September. The Dutch ship *Colombo*, from Batavia, has foundered off Point Natal.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 21st January 1823.

MY LORD,—It being essentially necessary that the Forms directed by the Lords Commissioners of His Majesty's Treasury to be observed in making up the Annual Accounts of the Colony committed to your Charge should be scrupulously adhered to, I have received His Majesty's Commands to instruct Your Lordship to direct the several Officers of Your Government by whom this important Branch of the Colonial Administration is conducted to conform in every particular to the Rules and Regulations prescribed in the Instructions of the Lords of the Treasury of the 18th of March 1816.

I have also received His Majesty's Commands to enjoin Your Lordship to continue in the strict observance of that part of the Instructions of the Lords Commissioners which provides that no service should be undertaken which involves an Expenditure above Two hundred pounds without a report being first made and submitted for the sanction of His Majesty's Government, and at the same time to state that in all Cases when Governors for the time being shall omit to comply with this Regulation which has become additionally requisite from the urgent necessity of using every Circumspection in applying the Resources of the Country, the contingent Sums so expended will be considered as inadmissible charges by the Commissioners of Audit, and the amount permanently surcharged in the Colonial Accounts:—nor will it be in the power of the Secretary of State, except in very peculiar

Cases, to remove by any subsequent interference the responsibility which such omission will have occasioned. I have, &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMESET.

DOWNING STREET, 21st January 1823.

MY LORD,—A reference to the instructions which have been given to the Commissioners Mr. Bigge and Major Colebrooke, a copy of which I have the honour to enclose, will explain to Your Lordship distinctly the object of the Commission which has been entrusted to their Hands by His Majesty's Government with the sanction and under the authority of Parliament.

Your Lordship will perceive that the Commission is not sent for the purpose of collecting and redressing all the Grievances which Individuals may be disposed to prefer against the established authorities in the respective Colonies; but that the Enquiries of the Commissioners into the various important branches of Colonial administration and Policy are directed to be only so far retrospective as such retrospective enquiry may be presumed to be necessary for the purposes of effecting future practical improvement.

I have to request that Your Lordship will shew every attention to these Gentlemen both in their private as well as public character; that You will take means of facilitating their conveyance to different parts of the Colony that they may deem expedient to visit personally; and that if it appears that the production of any documents have been refused to them which they deem indispensable for the advantageous prosecution of their Enquiries, and against the relevancy of which for that object, You are not disposed to protest upon Your own responsibility, You will exert Your power as Governor to enforce the production of such Documents, and that you will forthwith report to me the Contumacious behaviour of the public Officer refusing to produce them.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. WILMOT, ESQRE., to LORD CHARLES SOMERSET.

COLONIAL OFFICE, 21st January 1823.

MY LORD,—I have the honour to transmit to Your Lordship by Earl Bathurst's direction a Memorandum which has been forwarded to this Office from the Royal Hospital at Greenwich with a request from the Pay Master of Pensions, that the Individual therein described may be permitted to receive at the Cape of Good Hope his allowance as a disabled Seaman; and I am directed by Earl Bathurst to request Your Lordship would be pleased to give the Necessary directions that the same may be paid under the arrangement proposed in his Lordship's Instructions to Sir Rufane Donkin, of the 28th May 1821. I have &c.

(Signed) R. WILMOT.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE,
GOVERNMENT HOUSE, 21st January 1823.

MY LORD,—Having in compliance with your Lordship's Dispatch of the 12th July 1822 on the subject of apprenticed negroes in this Colony, called upon the Chief Officer of the Customs to furnish the Returns which should have been forwarded by him agreeably to the 5th Paragraph of His Majesty's Order in Council of the 16th March 1808, I have now the honor to transmit herewith a letter addressed by that officer to your Lordship on the subject, with its enclosures.

I beg leave to add that I have taken the necessary measures to secure the observance of due regularity on the part of the Chief Officer of the Customs in preparing and furnishing the Returns in question at the periods prescribed by the Order in Council.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CUSTOM HOUSE,
CAPE OF GOOD HOPE, 18th December 1822.

MY LORD,—In conformity to the orders in Council, I have the honor to acquaint your Lordship that there have been no further seizures of Negroes since the Schooners *Le Jeune Victor* and *La Neptune*, as heretofore reported to your Lordship; I have no additional observations to make with which to trouble your Lordship. They are all apprenticed to Inhabitants of this Colony; and their Health generally good, and their Conduct orderly.

The above will also apply to those heretofore apprenticed of which your Lordship has received the Accounts in due course.

I have &c.

(Signed) CHARLES BLAIR, Collector Customs.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS
OF ENQUIRY.

DOWNING STREET, 23rd January 1823.

GENTLEMEN,—Having recently had occasion to enter upon a consideration of the Grants of Land made at the Cape of Good Hope during the temporary administration of the Government by Lieutenant General Sir Rufane Donkin; and to advert to a Grant conferred on Colonel Bird which has been stated to be in the immediate Vicinity of the Custom House in Cape Town, and consequently in a Situation which may render it an object of considerable Importance, and its occupation eventually necessary for the purposes of the Government, I have to desire you would in the course of your proceedings at the Cape direct your attention to the circumstances belonging to the locality of the ground and report to me your view of the Subject, offering such remarks as the Case may seem to you to require, and stating your Opinion as to whether the Grant may ultimately be attended with detriment to the public Interest. I am &c.

(Signed) BATHURST.

[Original.]

*Return of Troops serving at the Cape of Good Hope on the
25th of January 1823.*

Officers of all ranks at the Regimental Head Quarters or on Detached Duty at the Station						142
Sergeants, Trumpeters, Drummers, and Rank and File:						
Royal Artillery						67
Royal Engineers						26
6th Regiment						631
49th Regiment						583
55th Regiment						566
Late Royal African Corps						128
Cape Corps	Cavalry					137
	Infantry					262
Grand Total						2542
Prize Negroes						92
(Signed)						C. H. SOMERSET, General.

[Copy.]

*Instructions respecting the introducing, permitting, and
apprenticing of Bosjesmen in the District of Graaff-Reinet.*

Supplementary Article.

By the special command of his Excellency the Governor.

When in consequence of the foregoing regulations a Bosjesman's child shall have been received and put out, and after that be reclaimed by the parents, the magistrate shall be authorized, the child having so been put out notwithstanding, to restore the child to the parents, provided satisfactory proof, to be judged of by the

magistrate, be produced, that those so reclaiming the child be the parents indeed.

And in order that no one shall plead ignorance hereof, these regulations, together with the copy of his Excellency the Governor's approbation of the same, shall be published and promulgated in this district.

Graaff-Reinet, 26th January 1823.

(Signed) A. STOCKENSTROM, Landdrost.

[Office Copy.]

Letter from R. WILMOT, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 30 January 1823.

MY LORD,—Lord Bathurst has desired that I should transmit to your Lordship in a private Letter, the accompanying letter which has been addressed to this Office by Messrs. Flight and Robson respecting a Debt alleged to have been contracted with them by the Reverend G. W. Sturt at present officiating as Chaplain at Simon's Town. I also enclose a Copy of the answer which has been returned to them, and I am directed to request your Lordship would be pleased to cause a communication on the Subject of Messrs. Flight and Robson's statement to be made to Mr. Sturt in order that he may be afforded an opportunity of offering such Explanations as the Circumstances of the case may admit.

I remain &c.

(Signed) R. WILMOT.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 3rd February 1823.

MY LORD,—Having caused the Petition from the Bible Union Society at the Cape, enclosed in Your Lordship's despatch of the 19th October, to be forwarded to The Lords Commissioners of His Majesty's Treasury, I have now to acquaint you that their Lordships have been pleased in consequence of Your Lordship's recommendation to direct that the Religious Works therein described may be imported from Holland and exported from this country for the Cape of Good Hope free of all duty. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. WILMOT, ESQRE., *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 3rd February 1823.

MY LORD,—I do myself the honour to acknowledge the receipt of Your Lordship's private Letter of the 31st October last respecting Sir John Truter's patent of Knighthood, and beg to acquaint Your Lordship in answer that I find upon Enquiry at the Office of the Home Department that a Warrant directing that an Instrument should be prepared conferring the honour of Knighthood upon Sir John under Letters Patent, is in readiness to be issued as soon as arrangements shall have been made for payment of the usual Fees: but as these are considerable, amounting in the whole to nearly Two Hundred and Forty pounds, and cannot be dispensed with when the honour of Knighthood is conferred in the manner in question, it appears advisable that Sir John Truter should be apprized of the Circumstance before He conveys an Authority to any one in England to act on his behalf in taking out the Warrant necessary to procure his Patent. I have &c.

(Signed) R. WILMOT.

[Copy.]

*Letter from MESSRS. FAURE AND PRINGLE to
LORD CHARLES SOMERSET.*

CAPE TOWN, *February 3rd 1823.*

MY LORD,—We beg leave to submit to your Excellency's notice the enclosed prospectus of a periodical Work, which we are desirous of establishing in Cape Town ; and we respectfully solicit the honour of your favourable regard towards our undertaking.

We need not mention to your Excellency the general circulation and acknowledged advantages of such Works throughout Europe. It may safely be asserted that no species of literature has had such extensive influence in the diffusion of Useful knowledge during the last fifty years as periodical journals, and the numbers that constantly issue from the press in all parts of Great Britain, and in Germany, Holland, France, and Russia, with the express countenance and support of their various Governments, demonstrate that their singular advantages are equally appreciated by the rulers as by the people. The most degraded and anarchical portions of Europe, Spain, Italy, Turkey, afford the only exceptions to this observation.

That works of this sort are capable of being employed in injuring as well as in supporting the interest of morality and good Government, and that they have been sometimes so employed, will not be disputed ; but to such abuses everything excellent is liable ; and this argument can scarcely be urged against periodical literature, except on principles that would equally proscribe the art of printing itself and shut up every avenue to intellectual improvement. In the present case, at all events, there can be no occasion for apprehension on this point, because the discussion of all controversial or agitating topics is expressly excluded from the plan of our projected Magazine.

These observations it appears almost unnecessary to urge to your Excellency, whose earnest desire to promote the improvement of South Africa, has been so often and so liberally expressed. We shall therefore only add, that while every other British Colony of any importance possesses various periodical Works in active circulation, the Want of some similar Vehicle of intelligence in

this place is very generally felt and regretted both by the Dutch and English inhabitants. This desideratum it is our ambition to supply, under the persuasion that such a Work cannot fail to become extensively beneficial, and may even prove (as we flatter ourselves) a useful though humble auxiliary to the beneficent measures already organized for the general diffusion of knowledge, Piety and civilization throughout this extensive Colony.

We conclude by most respectfully submitting our proposal to your Excellency's candid consideration; humbly soliciting the honor of your Approbation, and requesting permission to publish our prospectus, with a View to the establishment of a "South African Magazine." We have &c.

(Signed) A. FAURE,
THOS. PRINGLE.

[Copy.]

*Letter from the COLONIAL OFFICE to ASSISTANT COMMISSARY
GENERAL ROGERSON.*

COLONIAL OFFICE, 6th February 1823.

SIR,—His Excellency the Governor has desired me to explain to you that the period is fast arriving when the Settlers in the Albany District will claim their respective Titles to the Lands on which they are located, but that previous to his causing the same to be issued to them it is necessary that I should be furnished with the amount of the Balance which each Head of Party is indebted to the Commissariat for the Supplies of every denomination furnished to them beyond the value of the Deposits placed by them in His Majesty's Treasury.

With the items of the accounts the Colonial Office has no concern, it simply requires the amount of the Balance certified by you to be due, and this Balance will be made a recoverable charge against the respective Estates, the Titles to which the Parties will be put in possession of. Thus no Estate will be transferable by Sale or Exchange unless the Mortgage is cleared, by which means it is hoped that the best security will be obtained for the advances

made, with the Secretary of State's approval, to the Individuals whom this may concern. I have &c.

(Signed) C. BIRD.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas the Landdrost and Heemraden of the District of Worcester, have represented to me the inadequacy of the Ordinary Revenue of their District, to meet the great expence for the erection of the Buildings necessary for the Public Departments and Service, at the new Seat of Magistracy of their District; and whereas the Landdrost and Heemraden of the aforesaid District have requested that their Board be allowed to levy, at the ensuing Opgaaf, besides the ordinary Quotas as already authorised, the further Sum of Two Rixdollars per head, for every Slave, male or female, above the age of 14 years; and Four Skillings, or a Half Rix-dollar, for every male or female Slave under that age, from the respective Proprietors thereof, Inhabitants of that District.

By virtue, therefore, of the power and authority in me vested, and in furtherance of the provisions of the Proclamation of the 1st April, 1814, which regulated the mode by which the Assessments for meeting the Expenditure of the Several Country Districts should be made, I do hereby empower, authorise, and direct the Landdrost and Heemraden of the District of Worcester, to levy, at the ensuing Opgaaf, and at the Opgaafs of the years 1824 and 1825, from the Proprietors of Slaves in that District, the several Sums of Two Rixdollars per head for each Slave, of or above the age of 14 years; and Four Skillings, or a Half Rix-dollar, for every Slave under that age;—and I do hereby further empower the aforesaid Landdrost to sue for, and recover, in the usual manner, any and every Default of Payment in the Premises, after regular demand shall have been made for the same.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 7th day of February, 1823.

(Signed) C. H. SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to*
ROBERT WILMOT, ESQRE.

CAPE OF GOOD HOPE, *February 14th* 1823.

MY DEAR SIR,—I have received the enclosed Letter and Prospectus from two Gentlemen relative to establishing a periodical publication here. At present we have no press but the Government Press and I foresee so much Evil from the (illegible) an independent one that I have shelved the matter so as to give time. I hope to receive Lord Bathurst's view of the subject, and I should therefore be much obliged to you to bring it under his earliest Consideration and favor me with the result as soon as possible. I take the liberty of making this Communication in a private Letter, in order to avoid the Discussion coming into the official Correspondence, as tho' great public Inconvenience might arise from the Adoption of the Measure, it is one of those Subjects which a person in Office finds it difficult to word a refusal to that can meet the public Eye. The radical Party would perhaps like nothing better than to bring the Letter of a Colonial Governor into Parliament, positively refusing the existence of a Press in a British Colony, but I hear that the acquiescence to it in India has been matter of serious regret and has proved to be very mischievous. The reading Population here is certainly not sufficiently numerous to support a periodical publication of *any* kind, but there are not wanting those who would submit to a considerable amount of Loss for the purpose of gratifying their factious Principles in having a press at their command to revile all Laws and those whose Duty it is to administer them. In England the poison disseminated by one paper to-day meets its Antidote in another to-morrow. Here it would be impossible to establish a rural paper unless it were gratuitously circulated.

Mr. Faure is a young Clergyman educated in Holland, who has been about 4 years in the Colony, and I have lately removed him from a Country Station to the Dutch Church Establishment in Cape Town. He is of course a Calvinist, possesses some Talent, and is, I believe, very anxious to bring himself into notice. The other, Mr. Pringle, is a person who I understand has heretofore been employed to scribble for a Magazine published at Edinbro' under the auspices of the Edinbro' Reviewers, whose political and religious opinions he of course adopts. He is an *arrant Dissenter*. He came out here as a Settler, but possessing no Disposition for farming, he has relinquished an excellent grazing Farm to his Brother, and as he was mentioned to Mr. Goulburn by Sir Walter Scott, I appointed him Sub-Librarian to our Public Library, soon after which he engaged himself in taking some pupils, and I conceive if he could establish a press he would shortly make his bow to any Employment under the Colonial Government.

Mr. Geary the Clergyman for Grahams Town is at length arrived after a passage of nearly 17 weeks. With him have also arrived the Morning Chronicles I am told containing Longinus' 1st, 3rd, and 4th Letters. If I find anything in them worth commenting on I shall trouble you, but they are described to me as comprising trash and falsehood so despicable as to be beneath contempt.

I rejoice at Mr. Geary's arrival. The character I have received of him assures me that he is well calculated to assist in stemming the Torrent that is rushing from all Quarters to trample down the Established Church here, and every Artifice is used to add to its destructive force. As far as my Influence and Authority can support our Constitutional Church and the acknowledged Colonial Church Establishment they are used, and I receive the most zealous Support from the Revd. Mr. Hough, but its Opposers are so numerous and so artful that we are engaged in a very unequal Combat. Believe me &c.

(Signed) CHARLES HENRY SOMERSET.

In consequence of the overturning of the system of Defence on the Frontier which I established previous to my departure for England, we are (as I foretold on my return) again overrun with Kaffir depredations, 2 Privates of the 6th Regiment and two of the Cape Corps were killed last week. I am very anxious therefore to receive Lord Bathurst's Sanction to the Encrease of

Cavalry and the double barrell'd Carbines. You will oblige me much by urging Mr. Courtenay to send out this Arm, which is the only one calculated for our Species of Warfare.

[Original.]

Letter from COMMODORE JOSEPH NOURSE *to*
J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Andromache*,
SIMON'S BAY, *February 14th 1823.*

SIR,—In reference to my letter No. 2 I have the honor to enclose for the further information of my Lords Commissioners of the Admiralty a copy of a Plan and Section of the Light House therein proposed to be erected on Noah's Ark Rock, together with an Estimate of the Expense by Major Holloway Commanding the Royal Engineers, with a copy of the Major's letter to me accompanying the same and explanatory thereof. I have &c.

(Signed) JOSEPH NOURSE, Commodore.

[Enclosure.]

ROYAL ENGINEER'S OFFICE,
CAPE OF GOOD HOPE, *14th February 1823.*

DEAR SIR,—Herewith I have the pleasure of transmitting to you a plan and section of the Lighthouse proposed to be erected on Noah's Ark, in False Bay, together with an estimate of the expense:

The upper story of the building you will see is proposed for the light, where I should think 8 or 10 burners, duly supplied with oil, &c., with reflectors properly adjusted behind them, and lens if necessary in part would fulfil the design which you have in view, far better than would a lanthorn placed at the top of the tower.

About $\frac{1}{4}$ of the circumference of the tower would be the extent of the opening for the emission of the light, and 6 feet is proposed for the height of this window; the angle which would be embraced

is comprised between Seal Island and the projecting point of the Mainland near Smits Winkel Bay.

One window of ordinary dimensions would be in each story looking towards Simon's Town, and to ascend from one story to another a staircase, or rather a step ladder $2\frac{1}{2}$ feet broad, with a 6 inch tread is proposed: a boarded partition will keep the staircase distinct from the rooms, and thereby tend to make them warm in winter. Small windows in the partition would borrow light from the rooms for the staircase at each flight. The bottom course of stone should be well cramped, and well secured to the surface of the rock.

It only remains to say, that not exactly knowing the amount of wages which you would deem sufficient remuneration for the sailors employed as working parties, I have estimated at the same rates as are usually granted in this Colony to military working parties, when the Service to be executed is materially for the security, comfort, or advantage of themselves, as well as of the Public, viz. 2 schillings per day for each artificer, and a pint of wine for each labourer.

I have considered that the dockyard can supply spars and rope for scaffolding &c., refuse wood for burning lime, together with water carriage for the materials, &c., &c., as also Parker's cement for flushing up the joints of the outer stones, which should be to the depth of 6 inches at least.

I have not estimated for lime further than for the labour of collecting the shells, and only a small allowance for procuring the building stone, since I conceive you might judge it advisable to appoint small working parties of sailors to obtain the requisite quantity from the loose pieces of rock which lie scattered up and down the beach.

I have not included any allowance for the person whom you may appoint to superintend the building.

The amount of the whole estimate calculated on the foregoing principles is at the present rate of exchange only £450.

For the Light apartment proper ventilators must be introduced of course. I have &c.

(Signed) W. C. HOLLOWAY,
Major Commanding Royal Engineers.

[Original.]

Letter from MR. WILLIAM PARKER to EARL BATHURST.

No. 10 ADAM STREET, ADELPHI, 15th February, 1823.

MY LORD,—The importance of the accompanying communications has made me delay submitting them to your Lordship's consideration until I could have an interview with a most respectable individual, who like myself was compelled to leave the Cape of Good Hope in consequence of the Popish despotism of the Colonial Secretary. If your Lordship should be pleased to refer to my former letters, you will observe an *undeviating consistency* throughout the whole of my correspondence. What I have charged Lt. Colonel Bird with, I am well prepared to prove, therefore I cannot for a moment doubt, but that your Lordship will institute the most minute inquiry and grant me that relief so peculiarly called for by my unmerited sufferings and which my inviolable attachment to the Established Church of England merits through the hands of the noble Representative of His Majesty in the Administration of the British Colonies.

My large family and self are entirely detained in London waiting the decision of your Lordship on this subject, which is not only of such material personal importance to myself, but so peculiarly affects the interests of every British Protestant Subject in His Majesty's Colonies. I have &c.

(Signed) WM. PARKER.

[Copy.]

Memorial of MR. WILLIAM PARKER to EARL BATHURST.

To the Right Honourable His Majesty's Principal Secretary of State for the Colonies.

The Memorial of William Parker most humbly sheweth:—

That your Memorialist, actuated as much by motives of public good, as private benefit, which his letters of introduction from

Ireland fully confirmed, landed in May 1820, at the Cape of Good Hope, as a settler at the head of two hundred and twenty-two Individuals.

That during his passage in the ship *East Indian*, two of his party had conducted themselves so ill, that both he and the agent for transports were obliged to make formal complaints to the proper authorities at the Cape, and instead of inquiry being instituted conformably to the fifteenth article of instructions, for the guidance of settlers, their accusations were treated with most culpable indifference, thus nullifying the excellent regulation prescribed by the Colonial Department, and giving as it were official sanction to the delinquents for persevering in their refractory conduct, which as might be expected, ultimately produced the worst effects.

That the acting Governor Sir Rufane Shawe Donkin being absent on the frontiers, the Colonial Secretary, Lieutenant Colonel Bird, had the direction and location of your memorialist and party.

That the first inquiry made by the Colonial Secretary was, "whether your memorialist had brought with him from Ireland, a Roman Catholic Priest?"—to which your memorialist replied, "that being as he was well convinced, from his own experience in his most unfortunate country, Ireland, that the Clergy of that persuasion had been, *and still were the primary cause of its existing calamities and discontents*, he could not in his opinion have committed a greater insult on the Protestant inhabitants of South Africa, than to have brought a Popish Priest into the colony." To this the Secretary answered, and your memorialist wishes to call your Lordship's attention to this reply! "that a Roman Catholic Priest had been left in the colony by the Rev. Doctor Slater, a Roman Catholic Bishop, on his way to the Isle of France, *and that he would be a credit to the colony.*"* Your memorialist deeply regretted this circumstance and said, "that had he been aware of it, he should not have been so desirous to settle at the

* I have a letter from London stating that a Roman Catholic Priest was expelled the colony on account of his amours. God help those poor men of the same passions, the same flesh and blood as us poor Heretics. Yet all the Romish Priests are immaculate for their celibacy, and to question their chastity was as criminal in the eyes of the Government at the Cape, as to question the conduct of the infamous men acting under the orders of Sir Rufane Donkin.

Cape of Good Hope, he being assured that great evil would ensue from the introduction of popery into the settlement.”*

That your memorialist at the time, had no suspicion that this conversation had not taken place between two members of the Church of England, as the practice and usage of the colonies had wisely excluded Roman Catholics from participating in the Executive Government.

That your memorialist was informed by the said Secretary, “that the rich and fertile district of Clanwilliam was selected for your memorialist and party, and that the *East Indian* must proceed to Saldanha Bay for the disembarkation of the settlers.”

That your memorialist now informed the Colonial Secretary, that previous to his leaving England, he had been strongly recommended by many individuals competent to afford him the best advice, among whom were Rear Admiral Sir Josias Rowley, Mr. Barrow, of the Admiralty, and Lieutenant Colonel Warre, to whom he feels under many obligations for the correctness of their information, *to obtain if possible a location at the Knysna*, for which purpose your memorialist had procured, through the Earl of Listowel, His Majesty’s most gracious recommendation to the Colonial Department, together with a communication from Sir Benjamin Bloomfield, of his having received a verbal assurance from Mr. Goulburn, “*That His Majesty’s recommendation should be most scrupulously complied with, at the Cape of Good Hope,*” but your memorialist to his great sorrow and affliction was given to understand, however correctly or not, that no instructions to that effect had been received by the Colonial Government; and notwithstanding, as your memorialist was well informed, that there were many thousand acres of land the property of the Crown, unoccupied near to, or on the banks of the Knysna, yet your memorialist had the mortification to hear from the Colonial Secretary, “*that it was totally impossible to locate his party there.*” This impossibility it seems had arisen, not from a want of unoccupied lands for that purpose, but from the usurped possession of them by a favourite of the Colonial Secretary.

That your memorialist, thus cruelly disappointed, availed himself of the advice he received on the spot, and applied for the

* Proselytism, divorces, and seduction were the first fruits of priestly artifices at the Cape, yet Protestants were to be silent, but Luther thundered, and I spoke boldly out.

vacant land at Hout Bay, but he was again assured by the Secretary that, it was as impossible to locate your memorialist there, as at the Knysna. In this assurance your memorialist has reason to believe, he received a solitary instance of the sincerity of the Colonial Secretary, as that valuable tract of land, *had been predetermined to be reserved for himself*, and which with the most valuable building ground at Cape Town, was granted to him by the Acting Governor, on the very day that Lord Charles Somerset returned to resume the government of the colony.

That your memorialist perceiving no inclination or desire on the part of the Colonial Secretary *to attend to the instructions of the Colonial Department*, much less to the wishes and interests of your memorialist, he solicited from the Secretary a letter of introduction to the Deputy Landdrost of Clanwilliam, that he might view the lands destined for the location of the settlers by the *East Indian*, before they removed thither, this letter though sealed, was with great reluctance *and after much difficulty and prevarication extracted from the Colonial Secretary*, but your memorialist deemed it indispensably necessary, as he had well founded reason to believe *that the lands in question were totally unfit for the location of your memorialist and his party*, in which he had the mortification to be confirmed during his journey thither, by the farmers on the way uniformly concurring in opinion, *that the lands were not of the valuable description represented by the Colonial Secretary*.

That on your memorialist's inspection and examination of these lands, assisted by the Land Surveyor and the son of the Deputy Landdrost, it became evident that your memorialist had been grossly deceived, as the Deputy Landdrost admitted that Mr. Buissonne, one of the members of the Court of Justice and Receiver General of the Land Revenues, had declared to the Deputy Landdrost, "that all the disposable lands in the district were not adequate for the support of ten families, and that such was the report he should make to the Colonial Secretary."

It subsequently appeared that these lands, instead of being competent for the location of seventy-six families, comprising your memorialist's party, *were declared by persons appointed by the local authorities to be insufficient for the support of more than four families*.

That your memorialist proceeded from Clanwilliam to Saldanha

Bay, there to join his family and settlers, who had come round in the *East Indian*, from whence he represented the total inadequacy of the lands at Clanwilliam, with a request for a location at Saldanha Bay; your memorialist being assured by the Landdrost on the spot, that a large extent of government lands were there unoccupied, notwithstanding which your memorialist received for answer, "that it was totally impossible to locate the party by the *East Indian*, or any portion of them, at Saldanha Bay, as Government possessed no lands in that quarter."

That your memorialist having ascertained that the character of the lands destined for the great body of settlers in the district of Albany, where he was offered a location, was that of a salt and sterile soil, and having received a written assurance from the Colonial Secretary, that the Acting Governor after visiting the eastern frontier, would proceed to Clanwilliam and make arrangements for the further accommodation of the settlers there, he was induced though reluctantly to comply with the advice of the Landdrost, and forwarded a large proportion of his party to the Klein Valley in that district.

That on your memorialist repairing to Clanwilliam he was very coldly received by the Deputy Landdrost, in consequence of the Colonial Secretary having accused him, the Deputy Landdrost, of being an enemy to the Government, in deceiving your memorialist respecting the lands in that district, although it appeared, that the Deputy Landdrost's information was perfectly correct.

That your memorialist in the Klein Valley, was compelled to seek the shelter of a Hottentot hut, full of every kind of vermin, where he remained three weeks waiting the arrival of the Acting Governor, who did not fulfil his promise of visiting the settlers at Clanwilliam.

That this disappointment compelled your memorialist to solicit an interview with His Excellency at Cape Town, where in the presence of the two Secretaries, the acting Governor expressed great surprise and indignation at the treatment your memorialist had received, and in an authoritative manner commanded the Colonial Secretary to provide lands for his party at Saldanha Bay, and Groenekloof.

That great official difficulties in the Colony being constantly opposed to the celebration of marriages, and some of your memorialist's settlers wishing to change their condition, your

memorialist applied to the Colonial Secretary to give due facility to their lawful wishes, but in so doing, your memorialist gave unintentionally much offence, as he could not concede to the Colonial Secretary the exemplary moral conduct of the settlement, on proofs deduced by the Secretary from the evidence of marriages and christenings that appeared on record.

That your memorialist received a circular letter dated the 25th July 1820, addressed to the heads of parties at Clanwilliam, stating "that as the lands there were disapproved by the settlers, the acting Governor would remove such as wished to proceed to the Zureveld, *where lands of unobjectionable quality will be assigned according to the numbers of the respective parties.*" Fortunately for your memorialist's large family and dependent settlers, he had become well satisfied that the lands thus recommended by the Colonial Government *were objectionable in the extreme*, and that it would be ruinous to remove his long suffering family to a country where starvation must be the fate of all those who proceeded thither, *unless they were supplied by Government with their daily sustenance*, the ground in that country being incompetent to yield it, a melancholy truth, which alas! has since been too painfully demonstrated, *and which the present Governor, Lord Charles Somerset admitted in several communications to your memorialist.*

That your memorialist confiding in perfect security on the acting Governor's promise of a location at Groenekloof and Saldanha Bay, made preparations accordingly, purposing at the same time to keep a few of his settlers at the Klein Valley, where he had commenced building a house, and clearing and cultivating about thirty acres of land. Of this house and land your memorialist, during his absence, was violently dispossessed by Mr. Woodcock, one of the settlers, *under the directions of the Deputy Landdrost*, who assigned no other cause for an act of so unjustifiable a nature, but that of the Land Surveyor having committed an error in describing the boundaries of the location.

That your memorialist submitted this violation of his rights to the Deputy Secretary, and received no other reply, but that the Landdrost had been written to on the subject without any inquiry being instituted, or giving to your memorialist any chance of repossessing his property, or of remuneration for the expenses he had incurred. Several of the settlers proceeded from Clanwilliam to the Zureveld, *where general ruin has overtaken them, as was*

predicted by all those, who were duly acquainted with the uniform character of that country.

That your memorialist instead of obtaining the promised location at Saldanha Bay and Groenekloof, was assigned about four acres of land on the eastern shores of the bay, which proved when measured to be a baseless sand, unfit for the erection of any building. Application succeeded application, *but your memorialist was unattended to by the local authorities, until by letter of the 29th Sept. 1820, from the Deputy Secretary your memorialist was informed, "that the only condition of selection to be considered indispensable, was capability to maintain, not capability for profitable cultivation, and that sustenance in return for industry was the point referred to Mr. Buissinne, and to it his report was directed."*

That your memorialist, acutely feeling the culpable *injustice* thus acknowledged by the Deputy Secretary to have been practised on the settlers at large, remonstrated in unacceptable language to the Colonial Secretary, charging him with gross deceit, *many instances of which your memorialist is well prepared to prove.*

That to these remonstrances, your memorialist received, under date of the 11th of October, 1820, a letter from the Deputy Secretary, stating, "that although his Excellency will not for a moment admit, *that you can have any right to question, in written communications, the conduct pursued by public officers acting under his orders,* his Excellency has been pleased, in order to induce you to adopt a tone more suitable to your situation, to transmit the enclosed copy of an order addressed on the 10th of August last, to the Deputy Landdrost of Clanwilliam, on the subject of your allegations respecting Mr. Woodcock."

That unaccustomed as your memorialist had been *to be denied the right of complaint,* he replied to such an inhibition in the language of a British freeman, but receiving no sort of redress, and despairing of any mitigation of the evils he was enduring, he again addressed the local authorities, the result of which was, "that of depriving him of all the rights of a settler under the *Parliamentary Grant,*" most unjustly accusing your memorialist of not fulfilling any of the conditions prescribed by the Colonial Department, for the guidance of the settlers.

That your memorialist finding all remonstrances unavailing with the Colonial Secretary, respectfully solicited the honour of

an interview with the Acting Governor, but not receiving the condescension of a reply, your memorialist returned from Cape Town to his much distressed family, for whose support and that of his settlers, he was compelled to sell such of the exposed effects, as he had brought with him for colonization, excluded as he and they were, not only from the Government rations supplied to the other settlers, *but the payment of the third instalment of his deposit.*

That at this period, your memorialist occupied a house on the Government lands, at Saldanha Bay, alleged to belong to Mr. J. P. Watney, who had a contiguous farm. This individual, without any apparent cause, compelled your memorialist to leave his house, and obliged him to pitch tents for his family and settlers on the dreary sands, *at the commencement of the peculiarly severe equinoctial season.*

That under slender covering of slight canvas your memorialist and family experienced the greatest hardships from the heavy and incessant rains during five weeks, when dire necessity obliged them to seek the shelter of a roof thirty miles from the bay, *and to abandon all his exposed property to destruction and depredation.*

That your memorialist after waiting for six months in the most anxious suspense, and whilst his family were enduring the severest hardships and privations, for the result of his application to the Colonial Department in London, he was advised to become the purchaser of the Government lands called the Post, on the west side of Saldanha Bay, where with the greatest toil, assiduity, and much expense, he unavailingly endeavoured to subsist his family and articulated settlers, officially excluded as he then was from any participation in the Government rations issued in common to the other settlers.

That your Lordship cannot fail to observe the official opposition to which your memorialist was uniformly exposed, in consequence, as he verily believes, of a deep rooted antipathy conceived against him by the Colonial Secretary, a Jesuit! educated at Stonyhurst, your memorialist having at first sight appeared to him, as an unacceptable Protestant settler, and not having carried out a Roman Catholic Priest with his party from Ireland.

That to this unfortunate predilection for popery, in the character of the Colonial Secretary, which met your memorialist at every

turn, the affliction of his family, the dispersion of a majority of his settlers, and the very considerable loss of property he sustained, are principally to be referred and attributed.

That on Lord Charles Somerset resuming the Government of the colony, your memorialist personally represented the treatment he had received during his absence, on which his Lordship stated, "*that he had been interdicted by the Colonial Department, in London, from instituting inquiry into your memorialist's complaints, or from affording him any relief, as your memorialist referred his case to London.*"

That your memorialist's crops having failed on the Post lands, and a famine greatly prevailing in the colony, he deemed it to be his most prudent course to subscribe to the considerate opinion of Lord Charles Somerset, who recommended his abandoning any further efforts in the settlement, and repair to England, for the purpose of imploring that relief, which his Excellency declared to be out of his power to grant.

That your memorialist *not having received any official communication from London*, being left without remedy, relief, or redress, and the Governor having kindly procured your memorialist and family a suitable passage, he left the Cape of Good Hope.

That your memorialist begs leave to state that on the most rigid retrospective examination of every part of his conduct during his absence, he cannot discover by what means, consistently with his principles of rectitude and his sense of obedience to authority, he could have insured a more successful result to his arduous labours, having always proceeded with the greatest prudence, caution, and deliberation, while strictly conforming to the regulations of the Colonial Department; nor can your memorialist reasonably reproach himself with the failure of the undertaking, or of being the cause, either directly, or indirectly, of the multifarious sufferings which, during the last four years, himself and his unoffending family have been doomed to endure.

That to the unceasing state of anxiety, distress of mind, and personal fatigue, for nearly four years, your memorialist has to superadd the heavy expenditure of more than Three Thousand Pounds sterling, to which he has been unfortunately subjected, and which must be totally lost to his family, unless your Lordship may be pleased to advocate his claim to remuneration; but should such humane interference, in favour of your memorialist, be incom-

patible with your Lordship's official powers, he trusts that your Lordship will not deny him your countenance and support, should he be compelled to appeal to Parliament.

NO. 10 ADAM STREET, ADELPHI, *February the 16th 1823.*

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *February 16th 1823.*

MY LORD,—I have had the Honor to receive your Lordship's Dispatch of the 10th of August containing copies of documents from the Navy Office and Board of Admiralty with enclosures, complaining of the conduct of Mr. Wilberforce Bird in withholding Prize Money from Seamen of H.M.'s Service, and having in obedience to your Lordship's commands referred the same to that gentleman I have this day received from him the enclosed statement, which I trust will be perfectly satisfactory to your Lordship. The causes of delay in the settlement of these accounts have (as your Lordship will perceive) had their origin in untoward circumstances over which Mr. Wilberforce Bird had no control, every exertion was however made by him to obviate them as soon as he was made aware of them, and the unfavourable statements made against him are either wholly unfounded or shamefully distorted and misrepresented. The insinuation that he was in London concealed shows the spirit in which the representations have been made.

Altho' I cannot but lament that the feelings of an honourable and worthy Individual have been wounded by unfair attacks and that he has the mortification to think that he must temporarily have suffered in your Lordship's opinion, I must rejoice in any occasion which gives me an opportunity of expressing the impression I have of Mr. Wilberforce Bird's character after an intimacy of nine years with him.

The value I set upon his public services, qualified as he is by the possession of a highly cultivated mind and a rigid integrity, a thorough knowledge of the laws combined with unwearied

diligence, can only be equalled by the esteem, respect and regard I entertain for his very many excellent qualities in private life.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Memorial of CLEMENS MATTHIESSEN, ESQRE., *to* LORD
CHARLES SOMERSET.

The respectful Memorial of Clemens Matthiessen humbly
Sheweth

That your Excellency's Memorialist entered into the Service of this Colony in the year 1772, as a Writer, and since that time has served in several other capacities until the year 1785, when he was appointed a Member of the Worshipful the Court of Justice, which situation he had the honor to hold in 1795 on the first surrender of this Colony to the arms of His Great Britannic Majesty.

That Memorialist after the surrender continued serving in this capacity until the year 1803, when, in consequence of the peace of Amiens the Colony was restored to the Batavian Republic, by whose Government the whole Court of Justice was superseded and filled with other Members.

That however on the retaking of this Colony in 1806 Memorialist together with some other Members has been reinstated in his former situation in the Court of Justice aforesaid, from which time Memorialist has without interruption continued in this office, so that Memorialist has now had the honor of serving 35 years as a Member of the Court of Justice, 25 of which (being the whole period that this Colony has been under the British Crown) under His Majesty's Government.

That Memorialist gratefully acknowledges the numerous marks of regard he has from time to time experienced from His Majesty's representatives, and more particularly from Your Excellency, but his age (73 years) and consequent decrease of bodily strength

rendering the further due performance of the important duties attached to his situation rather irksome, Memorialist deems it proper on his part respectfully to lay these circumstances before your Excellency, and to request your Excellency may be pleased to accept Memorialist's resignation as a Member of the Worshipful the Court of Justice, and in consideration that Memorialist has during 50 years constantly been employed in the service of this Colony, of which the half has been devoted to His Majesty's Service, in one of the most important branches of public Administration, he both respectfully and confidently hopes your Excellency will with your known equity and liberality accede to the request which Memorialist is now most respectfully making, namely to be allowed the continuance of such part of his Salary, by way of Pension, as your Excellency may deem proper.

And Memorialist as in duty bound shall ever pray &c.

(Signed) C. MATTHIESSEN.

CAPE TOWN, 17 February 1823.

[Copy.]

Letter from CHIEF JUSTICE TRUTER to LORD CHARLES SOMERSET.

CAMP GROUND, February 18th 1823.

MY LORD,—I beg leave to enclose to your Excellency a memorial from Mr. C. Matthiessen, Senior Member of the Court of Justice, praying your Excellency's acceptance of his resignation and to be allowed the continuance of a part of his salary by way of pension.

I cannot submit this Memorial to your Excellency's consideration without expressing in the strongest manner my sense of regret at the loss of Mr. Mathiessen as a member, and particularly as Senior Member of the Court, his experience, integrity, indefatigable zeal, and established public confidence, after a laborious public career, and exemplary private life, during a residence of upwards of fifty years in the colony, of which he acted about 35 years as a Member of the Court of Justice, will with difficulty be found combined in any successor, and will make his resignation regretted not only by his colleagues but also by the Public. How-

ever as the motive of Mr. Matthiessen's resignation is so very just, I did not think it fair any longer to insist on his continuing in office, which for the good of his Majesty's Service I had thought myself in duty bound to do twice before.

And I have now only to acquit myself of another duty, which is respectfully to submit and recommend Mr. Matthiessen's case to your Excellency's favorable consideration as an extraordinary case not unworthy of your Excellency's liberal notice.

I beg leave to apologise for the liberty which I have been taking, and have the honor to remain with the greatest respect, &c.

(Signed) J. A. TRUTER.

[Office Copy.]

Letter from R. WILMOT, ESQRE., to G. GATEHOUSE.

COLONIAL OFFICE, 20th February 1823.

Earl Bathurst has directed Mr. Wilmot to acquaint George Gatehouse in answer to his Memorial of the 28th of August last that his Lordship regrets it is not in his power to sanction the Conveyance of Mary Gatehouse and her four Children from this Country to the Cape of Good Hope at the publick Expence.

[Original.]

Letter from T. P. COURTENAY, ESQRE., to ROBERT WILMOT, ESQRE.

ABINGDON STREET, February 20, 1823.

SIR,—I am desirous of calling the attention of Earl Bathurst to so much of His Majesty's Order in Council of the 24th of September 1814 as prohibits the importation of the produce of the Countries situated within the limits of the East India Company's Charter, from the Cape of Good Hope into the United Kingdom in vessels of less than 350 Tons burthen.

When this Order was issued, the Act of the 53rd Geo. 3rd, c. 155 had but recently passed, and His Majesty's Government appeared then to entertain an opinion that importations from the East Indies could not safely be made into the United Kingdom in small vessels. It is clear that this opinion has undergone a change. The Commissioners for the affairs of India expressed, in a letter addressed by their order to the Court of Directors and laid before Parliament, and afterwards made public, an opinion that the restriction is "utterly useless," and a negotiation was opened between the King's Government and the Company, for relieving British Commerce from the unnecessary restriction imposed by the Charter Act of 1813. It appears that the East India Company, in withholding their consent from the repeal of the restriction, were avowedly actuated, not by a conviction of its necessity, but by a desire to obtain a boon from Government or Parliament in lieu of it.

The Committee of the House of Commons upon Foreign Trade express in their Third Report (to which I have had access) a decided opinion of the inutility of the limitation of tonnage.

The limitation as it affects importations from the Cape, does not rest upon the Act of Parliament, or upon any compact with the East India Company. It is founded upon His Majesty's Order in Council alone, and the same authority which enacted it is unquestionably competent to repeal it. I take the liberty of adding that under His Majesty's Order in Council of the 12th of July 1820 East India Goods may be exported from the Cape to Foreign Countries, without any restriction as to the size of the vessel.

These circumstances I humbly submit to His Majesty's Government, with an assurance that, according to the best information which I can procure, the removal of this restriction would be productive of considerable convenience to British Merchants, and to the Colony which I have the honor to represent. I have &c.

(Signed) THOS. P. COURTENAY,

Agent for the Colony of the Cape of Good Hope.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, 21st February 1823.

MY LORD,—I do myself the honour to acknowledge the receipt of Your Lordship's despatch of the 31st October last enclosing Copies of Proceedings in the Criminal Court of the Cape of Good Hope by which Sentence of death was passed on a Slave named Willem for the murder of a female Slave the property of Mr. N. E. Mosterd, and recommending the Prisoner as a fit object for the Royal Clemency.

I have much satisfaction in acquainting Your Lordship that His Majesty has been graciously pleased to direct that Mercy should be extended to the Prisoner in consequence of the Circumstances which have been represented in his behalf, and to order that a pardon should be granted on condition of his being imprisoned for the Year to be computed from the day of Conviction.

I transmit to Your Lordship herewith the Warrant under which you will proceed to carry into effect His Majesty's Gracious Intention. I have &c.

(Signed) BATHURST.

[Copy.]

Extracts from the Proceedings of the Society for the Propagation of the Gospel in Foreign Parts.

VESTRY, ST. MARY LE BOW, February 21, 1823.

Read a letter from Mr. Wilmot, Under Secretary of State for the Colonial Department, with its enclosure from Lord Charles Somerset addressed to Earl Bathurst, recommending the Grant of £500 in aid of the Church at Wynberg.

Agreed that Mr. Wilmot be informed that the Society at the instance of the Rev. William Wright, their Missionary at Wynberg, have already agreed to give the sum of £200 in aid of that desir-

able object, and that the present state of their funds will not allow them to make any further grant.

That the Society have it in contemplation to remove Mr. Wright to Graham's Town whenever the Church at that Settlement may be prepared for the performance of Divine Worship.

[Original.]

Memorandum by MR. CHARLES D'ESCURY.

On the 25,308½ Acres of Government Land allotted to the Board of Agriculture in 1804, with a view to shew that this extensive tract of Land is no longer useful for the purposes it was so allotted for, and can therefore be more beneficially disposed of.

This Institution was first established in 1804 under the patronage of the Dutch Government with a view principally to improve the different breeds of Stock and more particularly to introduce the Merino Sheep into this Colony, with the hopes that in time the Wool might become an Article of Export.

The Government assigned a considerable extent of Land for its use from among the farms at the Groenekloof, before that time occupied by the Butchers under contract with the Dutch East India Company for the supplying of their shipping, the Land so assigned proved, on being measured in 1816 when all the Government Farms were let anew on 28 years leases,—to comprize no less an extent than 12,654¼ Morgen or 25,308½ Acres, divided into Six Farms! A Board of Agriculture was then (1804) also appointed for the management of this Establishment, of which the late Mr. Van Ryneveld was the President.

When this Board first began their operations they purchased a small flock of Merino Sheep that had been imported by a Colonel Gordon then in the Dutch Service, among which there was a great proportion of Rams. They purchased also 50 Cows of the best breed they could collect among the Farmers, as also a true Europe bred Bull, and a second of the same origin was given as a present to the Establishment.

Some Hantam Mares improved by crosses with imported English horses were also purchased, and Mr. Van Ryneveld, who at the

time possessed a handsome Stallion, allowed the use of it *gratis* during the covering Season at those Farms.

This was all the Board had to begin with. As soon as possible however they began to distribute whatsoever Rams they could spare, which were given *gratis* to whomsoever engaged to, and was believed would apply them for the purposes intended. In progress of time, and as soon as practicable, a Commission from the Board went into the Interior taking with them as many Rams and Ewes of the merino breed as could be spared, with a view to recommend the reception of them among the Breeders, and to encourage them to set apart a portion of their Ewes for the Spanish Rams to be put to, with farther directions how to select and manage the anticipated rising flock. But independent of the prejudice, to which the introduction of every novelty is exposed, the farmers in this instance objected to the Spanish Sheep on account of their having no *tails*, an advantage possessed by the native Sheep, the tails of which are a lump of soft clear fat weighing on an average 6 to 8 lbs., the loss of which could not be made up to the farmers' mind by the more valuable fleeces the Spanish Sheep would *annually* have presented them with. They were therefore resolved not to like the innovation, upon which the Board, certainly with more zeal than reflection, procured some measures of coercion to be directed in order to *force* the farmers to receive, and to attend to the propagation of the Spanish Sheep. This had the natural effect of producing resistance, and that which at first was only not understood, and therefore not liked, was now opposed, and resolved not to follow.

It must however on the other hand be admitted that there are many very serious obstacles to the Introduction, upon any extensive scale, of the Spanish Sheep into the interior of this Colony. The nature of the ground, chiefly covered with bushes, which injures and tears the Wool, the Sheep being kept night after night in the same pens, or Craals, which stains and injures it, and is unhealthy for the Sheep, the farmers not having hands enough to change these pens, or clean litter them as often as would be necessary; the same objection of want of hands exists with respect to the other minuter attendance which the Spanish Sheep require to keep the flocks separate, besides the knowledge required to select them: want of water for washing, the shearing which in a hot climate demands the greatest care not to clip the Sheep, is not at

all known, the separating of the Wool, todding and packing it, all which requires a great deal of teaching and subsequent practice ere a competent knowledge of it could be acquired, which at such a distance from the source of information, and in the scattered state of the population, can hardly be hoped to be attained, and then tho' last not least the length and difficulty of transporting so bulky an article.

The Board nevertheless continued its purposes, with the utmost zeal, perseverance, and œconomy, and succeeded in distributing several of their Rams and Ewes among the less distant farms, of which there are now several flocks, quite sufficient to let it work its own way, which if ever it is to succeed to a greater extent is the only means to bring it about.

The Board were equally zealous in the improvement and distribution of the other Stock which was sold from time to time at the lowest saving prices, without any view to profit.

The improved Implements of husbandry which the Board was also anxious to introduce, and by example and instruction endeavoured to recommend, had the same, if not stronger prejudices to encounter, with this additional disadvantage however that the manufacturing of these Implements from models, was, through the want of skilful Mechanics, very imperfectly understood and ill performed, while to buy those imported came too expensive. But nevertheless leaving it to its own operation, the English Plough, more particularly, tho' slowly, found its way, and every returning Season has since added new proselytes to its adoption.

In this active and useful course the Board had now persevered for eight successive years, from the small beginning above quoted they had collected a very considerable Stock of every description, which was at this period on the Land, after having distributed great numbers in different parts of the Colony in the manner stated; they had so far succeeded in overcoming prejudice, that many instances of willingness to try, nay of actual and successful trials, had been made, and consequently the road to future improvement was laid open, and thence the object proposed, tho' not attained to its fullest extent, was yet so far advanced as to afford every reasonable ground to hope that with judicious and seasonable encouragement it would in time perfect itself. About this time the president, Mr. Van Ryneveld, died, and most of the Members of the Board finding it inconvenient to give up any

longer so much of their time to this public pursuit, were under the necessity to decline farther attendance, and the Board consequently broke up, leaving the affairs they had administered in the following state, independent of the distributions they had made.

It is natural to suppose that the Board could not have proceeded, nor even begun, without pecuniary assistance.

	Rds.
They received at different times from the public Treasury . . .	49,852
From Land sold near the Castle, and by Govt. allotted to this Establishment.	23,577
	<hr/> 73,429

This Sum may then be considered <i>that</i> which the Government allowed for the project, and intrusted to the management of the Board, besides which a <i>Loan</i> was obtained from the Orphan Chamber, authorized by Government of	10,000
Total Capital engaged	<hr/> Rds. 83,429

If therefore these Rds. 73,429 be considered as the interest the Government has in the concern, *viewed as a public Institution*, of which independent of the benefit it has diffused, the value must lie in stock &c. on the Land, from which they can at any time, if well administered, refund the advances. The Loan made by the Orphan Chamber must alone be considered as a *debt*, and thence the Board left its finances encumbered to the amount of Rds. 10,000.

	Rds.
To answer this State the Board had built on the principal Farm a good substantial house, and outbuilding valued	21,870
The Slaves, Stock and Implements valued	61,556
Total	<hr/> Rds. 83,426

Of Slaves there were 20, Horses 177, Sheep 2,236, Breeding Stock 184, Oxen 156.

In 1812 it pleased His Excellency Sir John Cradock, then Governor, to reorganize the Board, which new Board took over the concerns of the old in November of that year, in the state, and at the valuations above described, which tho' not rendered here in their various details, will be found sufficient for the object of these observations. This new Board continued till the 7th March 1815, when circumstances occurred which induced His Excellency Lord Charles Somerset to dissolve it and to take the management

upon himself. At this time there were Slaves 20, Horses 59, Sheep 1939, Breeding Stock 120, Oxen 70, and the debt (independent of the original advances by Government) had increased to Rds. 25,420 4sks. 2sts.

And as it was considered expedient forthwith to pay off the smaller outstanding demands, and to consolidate the debt, so as to have but one Creditor, it was suggested to His Excellency to obtain a further Loan from the Orphan Chamber, so as to make the whole debt to that department Rds. 28,000, as a security for which the Government mortgaged to the Orphan Chamber the Land before mentioned as having been allotted to the Board of Agriculture in 1804.

The person whom His Excellency at that period honored with his confidence respecting these Farms submitted to him a general plan of economy, and mode of management, having for object to make the farms pay off the debt by annual payments, which might have been accomplished at no very distant period of time, had the plan been adhered to, for even notwithstanding many deviations during the first period up to 1818 the Interest of the debt had been regularly paid and the capital itself reduced to Rds. 20,666, but since that time, now 4 years, nothing more has been paid off, and according to the last return there were on those Farms Horses 56, Sheep 1217, Breeding Stock 110, Oxen 199. Consequently for the last four years no improvement in the Finances, and an evident falling off of the Stock, for Oxen are a fluctuating stock, purchased and sold off as circumstances require.

The object of these observations is not to examine into the *management* of these farms, nor of the *application of their produce*, which being under His Excellency's own administration is only known to himself, and would therefore ill become a private Individual to investigate, but it seems a reasonable inference from the above successive diminishing returns, that if even under His Excellency's own superior management for the last seven years, the Institution has not recovered, but continues rather to decline, the system has worn itself out, a natural consequence and a proof also, of the original object having attained its end, *as far as it can be expected to go*. The advantage of superior breeds of the different description of Stock has been seen and felt, and they have been dispersed in most parts of the Colony. The

farmer and Breeder can therefore now, if ever, be safely trusted to select for himself, and to import also, for which latter the now so extensive intercourse with England, and the many English mercantile houses established here, afford every day greater facilities.

The improved Implements are now likewise easily procurable on far more reasonable terms than formerly, from the number of all mechanics now also in full employ here, while many English Farmers, conversant with the use of those implements, are in different parts of the Colony to prove their utility, and instruct in their handling. It can therefore no longer be necessary to keep on foot so extensive an establishment, nor need so much valuable Land, so advantageously situated, any longer be retained.

In submitting these considerations for the more useful disposal of these Lands, it would be wrong not to be mindful of the gratification His Excellency derives from his shooting excursions at the Groote Post, for which purpose the House on that Farm might be retained, with as much of the Land as the *occasional* Establishment His Excellency would have there might require, and which from the situation of Springs and roads, might easily be traced on the plan of that Farm.

It is desireable still to express that the observations here submitted are not the suggestions of the present moment only. A Member of the late Board of Agriculture about 3 or 4 Months before it was dissolved, proposed at its general meeting of 31 January 1815 among other subjects, that the Stock and Implements wished to be brought into use &c. should be disposed of, where it could be done, *gratis*, or otherwise sold at the lowest calculated prices, so as no more than to cover the expenditure, convinced that to make a person pay dear for that which he does not absolutely see the use of, and but reluctantly procures, is not the way to make him like it better, or to recommend its advantages, and also feeling it to be beneath the dignity of an Institution established by the Government itself, from the most liberal motives, and for the most beneficent purposes, of which His Excellency the Governor himself condescended to be the President, to traffic, and haggle as for gain.

In the next Place, the same Member recommended to the Board that experiments should be set on foot, so as to ascertain how much Land was required to keep all the year round a given

number and description of Stock ; with the view of proportioning the Land occupied by the Establishment to its Stock, so that the Surplus Land might be returned disposeable into the hands of Government ; both these suggestions were rejected for reasons doubtless intelligible to the Board, but which the proposer did not comprehend.

Shortly subsequent to this, in 1816, when the Survey of all the Government Farms at the Groenekloof was carried out under the direction of the Inspector of Lands and Woods, he took 1284 acres from these Lands to complete another Farm, and then anew suggested in his Report, that two other portions of those Lands, measuring together 8537½ acres, should be taken from them, put up, and let at the same time, with all the other Government Farms. And he stated farther to have caused all the Lands occupied by the Establishment to be so measured, that His Excellency might at any time dispose of it wholly to the best advantage, or to separate from it such portions by single Farms, as he should think proper. His Excellency however did not approve of the 8537½ acres being so appropriated, they thence remained with those Lands. The view therefore that has been taken of this subject in the foregoing observations is exactly the same as that long before entertained and repeatedly recommended.

The Lands allotted to the above mentioned Establishment divided into Six Farms are the following :

	Acres.
1. The Groote Post	4506
2. Drie Pape Fonteinen	1457
3. Small Pad	5892
4. Rondeberg	3982
5. Jackhalsfontein	3561½
6. Kraus Downs	5910
	<hr/>
	25,308½
From which deduct as taken from it at the Survey of	
1816	1284
	<hr/>
Hence now with the Establishment	24,024½

The two last numbers are those recommended in 1816 to be taken away.

(Signed) C. D'ESCURY.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24th February 1823.

MY LORD,—It is with great regret that I have to report to your Lordship the death of the Revd. Mr. Evans, minister of the reformed Church at Cradock, after a short illness, leaving a widow and infant family.

Upon this occasion I am under the necessity of representing to your Lordship that there is no person here ready to fill the vacancy. The Revd. Alexander Smith is still in England; he had been nominated for the Church at Uitenhage, and it is of great importance that his coming out should be urged in the strongest manner.

The two gentlemen recommended by Dr. Thom, viz. Messrs. Henry Sutherland and Colin Fraser, whose addresses are at your Lordship's office, should now with your Lordship's sanction proceed to qualify themselves for this ministry, and as there are now two vacancies, viz. Cradock and Worcester, and as another may at no very distant period be expected, it would be highly desirable if your Lordship would sanction the instruction of a third, upon the same plan as the others, with a view to his joining this Establishment as soon as possible after he shall have attained the necessary qualification for the Reformed Ministry of this Colony.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Fiscal to the Colonial Secretary.

FISCAL'S OFFICE, 24 February 1823.

SIR,—The appointment of Mr. Van Ryneveld as Deputy Fiscal in lieu of Mr. Borchers, which I am informed has been made on the Salary enjoyed by Mr. Borchers at the time he was appointed Deputy Fiscal, affords to me a favorable opportunity to request

you may be pleased to recommend to His Excellency the Governor's most gracious consideration the case of the Chief Clerk in my office, Mr. P. Auret, who took the liberty, on the 20th November last, to present a Memorial to his Excellency, thereby requesting a moderate increase of Salary. It is but doing justice to the merits of Mr. Auret, who more than ten years has been in the employ of my Department, when I declare that his activity and Zeal has been a great support to me, and more especially during the last five years to the deputy Fiscal, who was entrusted with the chief management of all Police Affairs, he having brought about all controversies arising in such matters before the Commissioners of the Court, and proceeded therein to the conviction and condemnation of the accused parties; which is a duty neither of the Deputy Fiscals could regularly attend to, without thereby interfering with the other duties they were called upon to perform.

As Mr. Ryneveld will succeed Mr. Borchers in the management of all Police matters, it may be expected that Mr. Auret's experience in this branch of my Department will, independent of the Judicial Prosecution thereof before the Commissioners, be of the most essential service to Mr. Van Ryneveld, and for these reasons I flatter myself that His Excellency will feel inclined to accede to the proposal which I take the liberty to make, that in consideration of the very active assistance which the deputy Fiscal entrusted with the management of the Police Affairs continually enjoys from Mr. P. Auret in his capacity as Chief Clerk in my Department, his Salary may be encreased to Two Thousand Rix-dollars from Eleven Hundred annually which he at present enjoys.

I have &c.

(Signed) D. DENYSSEN.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25th February 1823.

MY LORD,—I beg leave to acquaint Your Lordship that I have granted leave of absence, for the term of Six months, from the period

of his embarkation from hence, to Dr. J. H. F. C. L. Wehr, M.D., Colonial Instructor of Midwifery, to return to Europe on his private affairs.

I have directed Dr. Wehr to report himself to your Lordship on his arrival in England, and to apply to you for any further extension of leave, and I have furnished him with the Certificate required by your Lordship's Dispatch No. 9, dated 21st April 1818.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to ROBERT WILMOT, ESQRE.

CAPE OF GOOD HOPE, 25th February 1823.

SIR,—In reply to your letter of the 22nd August last, requesting information relative to a person of the name of John Hargrave Hooper, who accompanied the party which proceeded to the Cape in 1819 under the direction of Mr. Thomas Rowles, I have the honor to acquaint you, for the information of Earl Bathurst, that the said Hooper left this place on the 13th September last on Board the *John Barry*, R. Dobson master, bound for England.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Landdrost of Graaff Reinet to the Colonial Secretary.

GRAAFF REINET, 27th February 1823.

SIR,—In reply to your Confidential letter of the 30th Ultimo, desiring my opinion whether the Landed Proprietors of this District would be essentially benefited by a participation in

the Loan which it had graciously pleased His Majesty to hold out to sufferers from the late calamitous Seasons, I beg leave to inform you that there are some few who, I think, come under that description, and will be able to give the required security.

These I shall have an opportunity of communicating with during the present Opgaaf; after which I shall lose no time in sending you the specific List you require of me. I can however premise that the Sum will not be considerable, as the holding out of the indulgence too generally would I fear be precarious in a part of the Country where there are so few sure possessions, by decoying some into speculations who would ultimately only injure themselves and their securities, and endanger the funds pledged for their convenience.

In the mean time expressing for the District the sincerest thanks for so generous an offer, I have &c.

(Signed) A. STOCKENSTROM.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 28th February 1823.

MY LORD,—I have the honor to transmit to Your Lordship a Letter from the Chief Justice (Sir J. A. Truter) covering a Memorial from C. Matthiessen Esq., the Senior Member of the Court of Justice.

The high character Mr. Matthiessen has maintained during a period of 50 years in the Public Service and his advanced age (being 73 years old) have induced me to assure him that I will urge his claims strenuously with your Lordship to confirm to him the usual Pension (2,000 Rixdollars) which has been granted to Members of the Court of Justice who have retired from extreme age or infirmity, which I trust Your Lordship will under the very peculiar circumstances of Mr. Matthiessen's claims not hesitate to authorize.

I have selected P. B. Borchers Esq., who has been some years Deputy Fiscal, for the vacant Seat in the Court of Justice, by

which a saving of 1500 Rixdollars per annum will accrue to the Public for the ensuing three years, as tho' he enjoyed a Salary of 4500 Rixdollars per annum, the Salary of Mr. Van Ryneveld his Successor will not be more than 3000 Rixdollars until after he shall have served 3 years in that Office. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 1st March 1823.

MY LORD,—I have the honor to transmit to Your Lordship the accompanying copy of a letter from Mr. Denyssen, His Majesty's Fiscal, urgently soliciting an encrease of Salary for Mr. Auret, the principal assistant in his Department, whose present Salary (not amounting to £100 Sterling a year) appears entirely inadequate to the laborious and encreasing duties of the Police Department. The Fiscal has put Mr. Auret's case in such strong terms that it is almost unnecessary for me to do more than Corroborate what is so forcibly stated; but I owe it to a very deserving officer to bring to your Lordship's recollection that the Police duties of this Town have very greatly encreased with the great encrease of its population, added to which the number of ships which now frequent this port is so much more considerable than it was a very few years ago that the occupations of the Police from this cause only are augmented in no trifling degree; under these circumstances I convince myself that your Lordship will not think it unreasonable to pray your sanction to raising the salary of the first assistant in the Fiscal's Department to the moderate sum of two thousand Rixdollars per annum. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from THOMAS LACK, ESQRE., *to* ROBERT WILMOT, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
WHITEHALL, 4th March 1823.

SIR,—Having laid before the Lords of the Committee of Privy Council for Trade your Letter of the 22nd ultimo on the subject of the Whale Fishery carried on from the Cape of Good Hope, I am directed to acquaint you for the information of Earl Bathurst that in the month of May 1820 the Lords of this Committee recommended to the Lords Commissioners of His Majesty's Treasury to introduce a Clause into a Bill then in contemplation, for placing Whale Oil, the Produce of the British Fishery at the Cape of Good Hope, on the same Footing with respect to Duties in this Country as Whale Oil the Produce of the British Colonies in North America. And I am to add that tho' circumstances have hitherto prevented the Introduction of the Bill in Question, the Lords of this committee have reason to believe that it will be submitted to Parliament during the present Session.

With respect to the other points adverted to in the Communications from Lord Charles Somerset, these the Lords of the Committee will take an early opportunity of considering. I am &c.

(Signed) THOMAS LACK.

[Copy.]

Letter from ROBERT WILMOT, ESQRE., *to* MR. WILLIAM PARKER.

DOWNING STREET, 4th March, 1823.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of the letter you addressed to his Lordship on the 15th ultimo, accompanied by a memorial, setting forth the circumstances upon which you ground an appeal to his Lordship to support your claims for remuneration for an expenditure of more than £3000, incurred during the time you resided at the Cape of Good Hope; and I am desired to acquaint you in answer, and with reference

also to documents transmitted with your letter of the 29th September, 1820, and at various other times, *that as an offer was made to you by the Colonial Government on the 25th July, 1820, to remove the parties located at Clanwilliam, one of which was under your direction, and convey them to the Zureveld, free of expense of transport both by sea and land, and in addition to furnish them with subsistence during the following season (which proposal was willingly accepted by Captain Campbell and Captain Butler, whose parties were also located at Clanwilliam,) it appears to his Lordship, that due provision was made for your location as head of a party of settlers: and his Lordship considers, that in omitting to avail yourself of this opportunity of obtaining lands free from the objections which you had urged against the extent and quality of part of those at Clanwilliam, and upon conditions more favourable as to rations than held out to the generality of the settlers, you adopted a course by which the Colonial Government became exonerated from further responsibility as to your location; and at the same time you took upon yourself the risk of failure or success in such other speculations as you decided to pursue, with the view of promoting individual interests; and you must, at the same time, have been fully aware that the views you entertained were not in unison with the general object of his Majesty's Government, in granting lands for colonization in the colony, or with the expectation under which so many families embarked with you from Europe.* I am, Sir, &c.

(Signed) R. WILMOT.

[Hansard's Parliamentary Debates.]

Society of Jesuits—Petition of William Parker, complaining of their Secret Practices.

Wednesday, March 5, 1823.

SIR T. LETHBRIDGE rose for the purpose of presenting a petition from Mr. William Parker, of the city of Cork. He had no acquaintance with the petitioner, but he believed he was well known to the hon. member for Cork. The petition contained

various allegations, for the truth of which the hon. member did not intend to vouch; but as it contained information from various quarters, relative to a subject which was shortly to come before the House, he had thought fit to present it. There was contained in it also one charge, which in particular he would not be understood to vouch for: it was against an individual holding an office, and whose name he would not have mentioned if he could have avoided it—he meant Christopher Bird, the colonial secretary at the Cape of Good Hope. The petition set forth, that the petitioner had headed a party of settlers, who, in the year 1819, had proceeded with the authority of government to that colony. He went on to state the petitioner's belief, that most of the calamities which had afflicted the world would appear, if they were properly explained, to have proceeded from the secret and insidious practices of the Jesuits, who, under the pretence of being a religious society, were, in fact, a formidable political sect. That they had been founded by pope Paul 3rd, for the purpose of counteracting the glorious effects of the reformation. The history of the Jesuits proved that they had always been hostile to monarchs, whether Protestant or Catholics. However beneficial the propagation of knowledge might be, the Jesuits must, in the words of the historian Hume, "bear the reproach from posterity, that by the very nature of their institution, they were engaged to pervert learning, the only effectual remedy against superstition, into a nourishment of that infirmity; and as their erudition was chiefly of the ecclesiastical and scholastic kind (though a few members have cultivated polite literature), they were only the more enabled by that acquisition to refine away the plainest dictates of morality, and to erect a regular system of casuistry, by which prevarication, perjury, and every crime, when it served their ghostly purposes, might be justified and defended." The petition concluded by praying, that the House would direct an inquiry at their bar, or in a committee, by which the practices of the Jesuits, not only in England, but in the colonies, and particularly at the Cape of Good Hope, might be exposed. By this proceeding, the petitioner proposed to show the conduct of lieut.-col. Bird, whom he stated to be a Jesuit, and whose brother was the chief priest of the Jesuit establishment at Stoneyhurst, in Lancashire, by whose baneful influence the petitioner had suffered. The hon. member then proceeded:—It would be in

the recollection of many members, that in the year 1814, the pope had established the order of Jesuits. In the same year, an hon. baronet (sir J. C. Hippisley) had stated in his place in that House, that a sum of £30,000 had been transmitted from Rome, for the purpose of erecting Catholic establishments in Ireland. He had, at the same time, read a letter from one of his correspondents, confirming that statement, and adding, that the learned body were vigorously employed in propagating their doctrines. It had been stated by some Irish county members, on a former occasion, that they knew nothing of the increase of Jesuit establishments in Ireland. He had, however, good reason for believing they had largely increased. The Hardwicke-street chapel, in Dublin, and the school at Harold's-cross, three miles from the city, which had been bargained for by Dr. Murray, the coadjutor of the titular archbishop of Dublin, were sufficient to convince him of this fact. He should, perhaps, be asked, what harm this learned body had done? He supposed they would not so often have been turned out of various nations if they had done no harm; and if this question should be pressed upon him, he would answer it by another; he would ask, what good they had ever done, or were likely to do, to this country? (A laugh.) It might afford merriment to the hon. member for Westminster, but he (sir T. Lethbridge) was in the performance of a solemn duty. As a representative of the people, he was presenting the petition of an aggrieved individual; he did not vouch for its accuracy, but he would not be diverted from the performance of this duty, by any thing but sound argument. He repeated, that the Jesuits would not have been driven from so many communities, in various quarters of the world, if their presence had not been found to be mischievous. Having done harm in other countries, they might also do harm in this. The emperor of China had expelled them from his dominions in 1726. They had been driven from Paraguay, in 1733; from France, in 1763; from Bohemia and Denmark, in 1766; from Naples, Malta, and Parma, in 1768; and from Spain, Venice, and Genoa, in 1797. Buonaparte's opinion of them was expressed in a book lately published. The author, who, it seemed, was in the habit of asking a great many questions, had asked him what he thought of the Jesuits and their doctrines? Buonaparte was a pretty good judge of mankind, and knew most people's doctrines: he

said that they acknowledged no supreme government, but that of the general of their own order, from whom all other authorities emanated, and without whose delegation no authority could exist, and therefore, said he, "I would never suffer such people in my dominions." The people of this country ought to know, that this learned society was much more dangerous than the right hon. gentleman opposite (Mr. Plunkett) seemed to suppose. For his own part, it seemed to him that certain recent transactions which had occurred in Ireland were connected with some dark under-hand plot, which he wished to probe and fathom to the bottom. He recollected last year, when the attorney-general for Ireland delivered his sentiments on the Popish Peers' bill, that he spoke of the disturbances in the sister country as being of a partial nature, arising from a feverish irritation, which would be speedily put down. But, what had the right hon. gentleman said since that period? On some recent trials, he had asserted, "that there was a secret Popish association, which would shake the constitution to its centre." A few months before, the right hon. gentleman had made a very different statement. The great cause of the misery of Ireland was the ignorance in which the people were kept by the Catholic clergy. That body proceeded on a system which was at variance with the spirit of the British constitution, and contrary to that toleration of which gentlemen were so fond of speaking. A gentleman who had written a work for the purpose of removing the ignorance, and illuminating the mental darkness which prevailed in Ireland, had stated, that in many places where Hibernian schools were instituted, he had known the children to be driven away from them with whips; and, in one case, where some benevolent persons had formed a seminary for the benefit of the poor, a Roman Catholic bishop had come down, and, in an evil hour, broke up the establishment. No man more sincerely regretted than he did, the necessity which existed for bringing this subject under the notice of the House; but he had a duty to perform, from which he would not shrink. He would now move for leave to bring up the petition.

MR. HUTCHINSON said, he would make a few observations, as he had been particularly alluded to by the hon. baronet. He was acquainted with Mr. Parker, the petitioner, who, in every relation of life, was a most exemplary character. He believed him to be an aggrieved individual; who, when he left this

country, had indulged in expectations, which unfortunately were not realized. He proceeded with a very large family and several followers, to the Cape of Good Hope; and certainly he had a claim upon government, because the hopes which had been held out to him and others proved to be fallacious; he lost his property, and was seriously injured. He lamented exceedingly that Mr. Parker had alluded to colonel Bird, the colonial secretary. He had felt it to be his duty to inquire who col. Bird was, and he understood that, for several years, he was employed in the department of the commander-in-chief. He was afterwards placed in a subordinate situation at the Cape of Good Hope, and was ultimately raised to that of colonial secretary. He had been introduced to public life, under the auspices of the late Mr. Windham. The *gravamen* of the petition was, that to the establishment of the society of Jesuits in Ireland, all the outrages, bigotry, crimes, and miseries, which disgraced that unfortunate country were to be attributed. The hon. baronet had alluded to certain petitions on this subject which had been presented by the hon. member for Armagh. He did not meet the hon. gentleman, as to the assertion of Jesuit or no Jesuit; but he met him broadly on the statement, that the outrages which prevailed in Ireland, were to be traced to that body, and that statement he opposed with the most unqualified contradiction. Nothing could be more impudent, more false, or more unfounded, than the assertion contained in the petitions which had been presented by the hon. member for Armagh. As far as he knew anything of the state of Ireland, the misery which had afflicted that country for centuries, was not created by the machinations of Jesuits, but arose from other and very different causes. It was disgraceful for any man at all acquainted with the history of Ireland, to attribute the misfortunes of that country to the conduct of the Jesuits. The Jesuits were charged with introducing ignorance, misery, and disaffection into Ireland. Now, for his own part, he did not know of the establishment of any body of Jesuits, as such, in Ireland. In 1819 or 1820, cardinal Gonzalvi stated in his letter to Dr. Poynter, that the pope had not restored the society of Jesuits in Ireland, because the government of this country did not wish it. The cardinal observed, that the society of Jesuits was restored in the Two Sicilies and in Russia, because the emperor Paul and the king

of the Two Sicilies had petitioned the pope for its restoration; but that it had not been re-established in Ireland, on account of the hostile feeling of the king and the government towards that body. He had seen paragraphs in the newspapers, relative to an establishment in the county of Kilkenny. That establishment was under the superintendence of Dr. Kenny, a most learned divine, and a most accomplished man in every respect. He believed, that that gentleman had received abroad the education necessary for a Jesuit; but he could not say that he was one of that order. He had, for some years past, established a seminary at Clangoes-wood, where he had several learned individuals under him in the capacity of assistants. So far was his establishment from being calculated to produce disaffection to the government, mental darkness, or brutal ignorance, that it had, during the few years it was in existence, sent to the Protestant university of Dublin several young gentlemen, who had obtained premiums and honours in that University. So far from that seminary being concealed from the public, it was open to the examination of every person. This was known to the duke of Leinster, to lord Cloncurry, and to various other noblemen and gentlemen who had visited it. So distinguished was the answering of the young gentlemen on a recent occasion, that their preceptors received the thanks of two of the fellows of Trinity College, Dublin, for adding so much to the learning of Ireland. It was also a well known fact, that in the neighbourhood of Clangoes, the manners of the people were much improved, and presented a striking contrast to the manners of the population in other parts of the country—a circumstance which was attributable to the formation of that establishment. And yet petitions, daring to charge such an institution with the outrages and miseries under which that part of the empire was suffering, were laid before parliament! He knew not whether the establishment at Clangoes had any connexion with the south of Ireland; but he wished to God it had, for he was sure it would produce much benefit. When the hon. member for Somersetshire, and the hon. member for Armagh, were made the unconscious instruments through which falsehoods were stated to the House—falsehoods affecting five millions and a half of people—it was of moment that the House should be undeceived; and that they should not hurry to the consideration of that important question

which would be discussed next month, with all that British ignorance relative to the real situation of Ireland which prevailed to so lamentable an extent. It was absolutely necessary that the ignorance of that House, with respect to Ireland, should be enlightened; until gentlemen became truly informed of the state of that country.

MR. WILMOT protested against the discussion which the hon. baronet had introduced, as being wholly irrelevant to the matter immediately before the House. The petition set forth that Mr. Parker went out as a settler to the Cape of Good Hope; that he failed in realizing the expectations he had formed; that he had encountered various misfortunes, and all this he attributed to colonel Bird, whom he accused of being a Jesuit. If either of the hon. members thought Mr. Parker had any reason to complain of the conduct of government, it would be competent for him to present a petition on the subject, and it would then remain for him (Mr. W.) to lay before the House all the information which the colonial department possessed relative to his case. If the two hon. members were to devote the whole of their time till the same hour to-morrow, in the perusal of Mr. Parker's correspondence with the colonial department, they would not be able to get through it. Mr. Parker imputed the failure of the harvest at the Cape, and all his misfortunes, to the circumstance of colonel Bird's being a Jesuit. The petition certainly presented the most extraordinary *non sequitur* ever heard of since the days of the renowned Partridge. If any clear and plain allegations were brought forward against colonel Bird, it would be the duty of the Colonial department to consider them; but it was beyond his comprehension, how the hon. baronet could come down, after a day's notice, to sanction a petition attributing a series of misfortunes, including the rust in wheat, and a variety of unfavourable harvests, to the influence of colonel Bird's Jesuitical principles. One circumstance connected with the petition undoubtedly gave him pleasure. He could not help thinking, that if the hon. baronet could give so much of his attention to the consideration of the affairs of Mr. Parker and the religious principles of colonel Bird, his impression as to the extent of the agricultural distress could not be so powerful as it formerly was.

MR. HOBHOUSE said, he should be very sorry to do any thing which the hon. baronet might consider indecorous; but when he

had heard all the misfortunes of the sister isle, even the failure of the crop of potatoes, ascribed to the Jesuits, he could not avoid smiling. The hon. baronet wished the House to imitate the conduct of the emperor of China in 1726; and because his Tartarian majesty had, at that period, expelled the Jesuits, he conceived the British government ought to pursue the same course in 1823. He hoped the petitioner would come to the bar of the House, and bring a Jesuit with him. A Jesuit was a sort of historical creature. He had travelled as far, he believed, as the hon. baronet, and yet he had never once met with a Jesuit. He should really be glad if a Jesuit were produced, that they might see what sort of an animal it was with which they had to contend. [A laugh.]

MR. HUME said, he conceived that Mr. Parker had good ground of complaint against the colonial government; but he certainly had no right to mix it up with observations on the Jesuits. With respect to the petitions presented by the hon. member for Armagh, they were not, as he had been informed, signed by any respectable individuals. Could that hon. member, of his own knowledge, state where any establishment of Jesuits existed? For his own part, he should have no objection if there were 10,000 Jesuits in Ireland, and the colonies full of them.

MR. BROWNLOW said, that when, on a former evening, he was asked whether he knew of the existence of Jesuits in Ireland, he had pleaded ignorance. He had, however, since received letters from different parts of Ireland, censuring his ignorance on that point, and stating that there were unquestionably establishments of Jesuits in that country.

Ordered to lie on the table.

[Original.]

Memorial from the Settlers in the District of Albany, Cape of Good Hope, to Earl Bathurst.

10th March 1823.

To the Right Honourable the Earl Bathurst, Secretary of State for the Colonial Department, &c. &c. &c.

The subscribing colonists in South Africa, who emigrated in the year 1819 under the patronage of their native Government, are

compelled by a sense of justice to themselves, and of duty to the Government under whose auspices they embarked, to lay before your Lordship a statement of the real circumstances which have prevented their advancement.

That whatever may have been the individual disappointments and failures incidental to so numerous an emigration, they do not present themselves to His Majesty's Government with any complaint of the natural disadvantages of the country to which they have been sent. And they have ever been actuated by one undivided feeling of respect and gratitude for the liberal assistance of the British Government, a feeling which future reverses can never efface. And they most gratefully recognize an additional instance of the same favourable disposition in the late modification of the colonial law of succession, which they hail as a pledge that their interests (where not opposed to the rights of their fellow subjects) will never be lost sight of by His Majesty's Government.

That although the settlers must lament that in its earlier stages the prosperity of this settlement has been checked in several important instances, through the misapprehensions of the general or local authorities, yet they gratefully acknowledge the prompt and generous exertions of Government in providing the means of subsistence on the commencement of the settlement, and in alleviating as far as possible the severe visitations of repeated and total failures of their wheat crops. And they cannot omit the expression of their particular gratitude to the acting Governor, Sir Rufane Donkin, who devoted to their prosperity a great share of his personal attention; to whom they owed the establishment of a town in the centre of the new settlement, as the seat of its magistracy; and a system of military defence, during which they were free from Caffre depredations, by making arrangements for friendly intercourse with the Caffres; and by his solicitous attentions to the interests and wishes of the settlers, he inspired them with a degree of energy and hope, of which they are now left only the recollection.

That it is the peculiar hardship of their situation, placed in a remote corner of the British dominions, with their whole interests and prospects committed to the *unlimited control of one individual*, and possessing no security that their situation is thoroughly understood or properly represented, that they have been debarred all

means of expressing their collective sentiments upon matters of the utmost importance to their common interests.

That it has long, and from the most distressing proofs, become evident to the settlers that the colonial government (situated at the opposite extremity of the colony, where every particular, whether of soil and climate or the constitution, pursuits and interests of society, is totally different,) possesses no adequate means of ascertaining their actual wants.

That under this conviction, it was contemplated by a small number of the principal settlers to consult together upon the most advisable mode of making his Excellency the Governor acquainted with the peculiarities of their situation; but this intention was met not only by positive prevention, but by public imputations against the views and motives of the settlers in general, which they felt to be wholly unmerited.

That being thus prevented from communication with the colonial government, they have for twelve months continued to labour under the effects of a series of measures calculated only to extinguish the small remains of enterprize and confidence that had survived the numerous disappointments they had previously encountered; and when at length their situation from the increasing and unpunished incursions of the Caffres had become really insupportable, they were reduced to the necessity of requesting permission to meet in the manner pointed out to them as legal, for the purpose of making their situation known to His Majesty's Government. But as this also has been virtually denied to them, they are obliged to content themselves with offering to your Lordship this imperfect but faithful sketch of their situation in general, but more particularly of the uniform reversal of every measure previously resorted to for their advantage.

That as it does not appear that any natural obstacle is opposed to their advancement, they are induced to submit a candid statement of the artificial disadvantages by which they are surrounded, in the confident hope that this settlement will not be allowed to fall a sacrifice to them.

That upon their arrival, they found themselves placed according to the terms accepted by them in England (before they were aware of the peculiarities of this country), upon grants of 100 acres each in a country where it still appears necessary to the subsistence of the native farmer to grant him 4,000 acres; that this, together

with the withholding two-thirds of the deposit money, which it was stipulated should be repaid after location, had the effect of precluding the majority of the settlers from pursuing the mode of farming usual in this country, and of directing their attention exclusively to agriculture.

That although the disappointments hitherto suffered in this pursuit must in a great measure refer to extraordinary and unavoidable causes, yet the settlers cannot but observe that their future prospects appear totally barred by the weightiest artificial obstacles.

That besides the injurious effects of the distinction above mentioned in drawing away a portion of the settlers to more profitable pursuits, the remaining part who may possess land of an extent worth attending to, can have no inducement to raise a surplus produce while the colonial government reserves to itself, in the entire supply of the troops, the monopoly of the only internal market; and they can never look for an external trade while the prosperity of this part of the colony continues to be subservient to the local interests of Cape Town; while no direct trade is allowed to Algoa Bay; while no exportation is permitted except through Cape Town, and dependent upon the state of that market, and the advantage of possessing a sea port is in a great measure lost to the settlement; while every article of import brought to Algoa Bay or the Kowie is burdened with all the expense of re-shipment from Cape Town.

That the establishment of the town of Bathurst, as its seat of magistracy, was of the most material service to the settlement, as from its situation in the centre of the smaller parties it served to sustain in its vicinity a denser population than the circumstances of the country could otherwise induce; that its superior advantages of soil, its vicinity to the only part of the coast found capable of communicating with the sea, and the erection of the residence of the chief magistrate at the public expense, had induced many individuals to expend their means in establishing themselves there; that the removal of the seat of magistracy, and the withdrawing the troops and government support from a town upon which they had fixed their first hopes, and upon which depended all their future prospects of a market, has been productive of the worst effects upon the interests and prospects of the settlement in general; as besides its directly ruinous consequences to individuals,

it has drawn away the population from the nucleus of the settlement, and created a general distrust in the stability of the measures of the government.

That the most pressing and insupportable of their grievances arise from the constant depredations of the Caffres, who have within a few months committed several murders, and deprived the settlement of the greater part of its cattle; that their depredations are in a great measure produced by relinquishing that line of policy which held out to those tribes a hope of procuring, by friendly barter, such commodities as their acquired wants have rendered necessary, and which they are now obliged to procure by theft or force; by discountenancing and withdrawing the military force from the new settlement of Fredericksburg, and permitting the Caffres to plunder and force the settlers to retire, and ultimately to burn it to the ground; by withdrawing from the Fish River a line of posts which had previously effectually protected the settlers; by refusing aid to the more advanced farmers, plundering parties have been encouraged to drive those in, and afterwards to extend their incursions to all parts of the settlement, and even beyond it; by exasperating that tribe which had hitherto preserved the appearances of friendship in attempting to seize their chief (Gaika) in his own village; and by withholding from the local military authorities that discretionary power with which they were formerly vested, which by enabling them to enforce summary restitution, showed the Caffres that the offence must instantly be followed by the punishment; whereas, by waiting the decision of the Commander-in-Chief, 600 miles distant, in every emergency, offences are allowed to accumulate to an alarming amount; and the slender means of defence the settlement possesses, deprived of the power of acting with promptitude, is forced to present to the Caffres at once the appearance of enmity and weakness.

That it thus appears to the colonists, instead of the new settlement ever deriving any advantage from the civilization of these savages, that the existing measures can only lead to a war of mutual extermination.

That the settlers refrain from adverting to other numerous and serious obstacles to the prosperity of this settlement, arising from the system of government and laws to which they are subjected, from the enlivening assurance that these considerations continue to occupy the attention of His Majesty's Ministers. When they

contemplate the immense resources of fertile and unappropriated territory this colony possesses in their immediate vicinity, and the provident care of the British Government to preserve the future inhabitants from the contamination of slavery, they cannot but cherish the hope that their present distresses are only temporary, and that at no distant period a numerous and flourishing colony may be here governed upon British principles, and by British laws.

(Signed)

Geo. Pigot	Dun. Campbell	R. H. Rubidge, Lt. R.N.
Thomas Philipps	John Stanly	P. Daniel
Charles Dalgairns	Nath. Morgan	P. Daniel, junior
James Collis	J. Pawle	John Brown
John Carlisle	D. P. Francis	J. Burnet Biddulph
J. H. Crause, Captain	Sam. Liversage	James Carney
Arthur Barker	John Henry Dixon	Simon Biddulph
Charles Mouncey	John Stubbs	Hezekiah Sephton
Alex. Bisset, Lt. R.N.	(Name illegible)	Thomas Sephton
Geo. Smith	George Clayton	Fred. Carlisle
Peter Campbell	Charles Hyman	Isaac Wiggill
Robt. Blair Green	William Clayton	Joshua Davis
John Centlivres Chase	Edw. Ford	J. Matthews
P. R. Marillier	Henry Lloyd	Sam. Birt
J. Weeks	John Dould	Will. Berry
J. Lappan	Thos. Wells	Thos. Brent
Joseph Cooper	Tho. Slater	Philip King
John Buckley	Saml. Rundman	Henry King
Thos. Overy	Wilmot	Thos. Baker
John Overy	Benj. Patrick	Wm. Dowton
Willm. Sampson	B. Leech	Jas. Richardson
Thos. Simpson	James Kent	Dan. Farly
J. Beale	Thomas Peel	Wm. Neuts
Joseph Walker	Thomas Derbyshire	Michl. King
Richard Simpson	Peter Bold	Jos. Weakly
John Saunders	Benj. Hartley	Wm. Hart
Richd. Keitly	George Whitehead	John Mandy
Christopher Wedder-	R. Hayhurst	Thos. H. Surman
John Kirkman [burn	Henry Henker	Michl. Fitzgerald
Samuel Duxbury	S. H. Bradshaw	Thos. Miller

Willm. Wederburn	J. King	John Smith
R. Crouch	Will. Simmons	Frederick Hawkes
Wm. Duxbury	Richard Bradshaw	James Fitzgerald
Wm. Blair	Amos Boucher	Wm. Prentice
David Cawood	James Vice	Wm. Williams
James Cawood	Willm. Bond	J. Henry Heath
William Cawood	Thos. Hewson	Wm. Mountfort
John Cawood	Chas. J. Lucas	Richd. Forrester
Robert Kellirick	W. Forward	Will. Calverley
Willm. Greadwell	Chas. Breeze	Morr. Sloman
Stephen Gradwell	John Smith	W. Kidson
Robert Foxcroft	William Ennes	John Purdon
Thos. Wakeford	John Taylor	Rt. Horn
P. T. Mills	R. Bowker	Fredk. Mollby
F. P. Adams	Thos. Berrington	Thos. Style
Henry Vokens	Jesse Paxton	Benj. Hall
Wm. Seymour	Wm. Eatwell	Robt. Perie
Francis Whittal	J. Money	Geo. Blackmore
Thomas Hartley	John Marshall	Thos. Calverly
George Watson	Thomas Wentworth	Will. Calverley, Junior
Benjamin Norden	Chas. Grubb	Thos. Brown
Edward Hunt Dell	John Pankhurst	Thos. Walker, Senior
Tobias Tharratt	George Pratt	Thos. Walker, Junior
G. Marsden	James Wilmot	Wm. Pratt
Charles Webb	Benjamin Wilmot	Richd. Pickstock
James Hycok	John Fournier	Henry Gray
Wm. Comley	Wm. John Earle	Thos. Filmer

(A few of these names may not be quite correct, as they were not plainly written.—G. M. T.)

[Original.]

Letter from MR. WILLIAM PARKER to ROBERT WILMOT, ESQRE.

LONDON, 12th March 1823.

SIR,—I have had the honour to receive your letter of the 4th instant, and I cannot but express my great surprise and regret at

the Colonial Department attempting to justify the Government at the Cape, by their offer of the 25th July, 1820, to remove the parties located at Clanwilliam to the Zureveld, and the proposal was *willingly* accepted by Captains Campbell and Butler.

My Lord Bathurst appears not to notice *the fact of my being most unjustly deprived of my lands and house at Clanwilliam*, where I laboured with great industry to establish myself. Influenced and ruled as Sir Rufane Donkin was by Colonel Bird, whose conduct I am so well prepared to prove was not only hostile to every loyal Protestant but *to the interests of the British Crown*, his Excellency would not attend to my complaints, nor institute inquiry—forcing me to submit, being deprived of my lands and house, leaving me no alternative but an appeal to the Secretary of State, which is as yet utterly disregarded.

I with all due respect deny that the Colonial Government became exonerated from further responsibility as to my location, unless His Majesty's Secretary of State shall be prepared to bear with all the odium which must follow, when the public shall be informed that hundreds of British subjects have been sacrificed in South Africa to official mismanagement.

Most worthy and well informed gentlemen at the Cape, when they saw my amiable family—when they reflected on our past comforts, and the respectability attached to our connexions and to our name, implored me if I regarded their future welfare—nay, if I regarded their existence, not to entertain the slightest intention of removing them to the Zureveld, where starvation must be their fate, the country *being incapable of profitable cultivation*, as three years' sad experience has proved to those ruined settlers, victims to official delusion. Good God! Sir, after being most seriously cautioned by the first and the most honest authority at the Cape, and by an eminent Divine well acquainted with the character of the lands in the Zureveld, was I to neglect the relative duties of husband and father, and sacrifice my family to the caprice and ignorance of such men as Sir Rufane Donkin, and Colonel Bird? Could I reconcile to my feelings exposing the dear partner of my cares, and our children, to all the horrors "*of a parched and salt land in the wilderness*;" from whence, retreat to Cape Town, with such a number of dependants, would be impossible, and where want, as in other instances, would have closed their earthly career? I was cautioned by official men who dared to be honest even in

South Africa, of two evils to choose the least, and to remain if possible at Saldanha Bay.

As to the views I entertained not being in unison with the general objects of His Majesty's Government, I now most respectfully ask, what were these objects? My Lord Bathurst never could have contemplated *such horrible results* as have occurred, when death has been implored from the hands of the Almighty by our suffering fellow creatures in the Zureveld, to free them from the terrors of despair, where infants have died from want of adequate nourishment, and where even Captains in the army were forced to cover themselves and families, in a state of absolute exhaustion from the inclemencies of the weather, with rough sheep skins and gunny bags, their last raiments being sold to purchase food. And Sir, I beseech you in the name of common charity, and of God, to consider that the third season has now passed, and a little barley is all the grain that the poor settlers in the Zureveld have been able to reap, the rust having destroyed their wheat and other crops.

Be pleased to assure my Lord Bathurst that I am not a selfish being. I most keenly feel the accumulating woes of the settlers in Albany; and have looked with horror on the deplorable calamities of my poor country, Ireland. I did on the 5th instant exercise one of the constitutional privileges of a British freeman, and petition the House of Commons. I have not as yet solicited Parliamentary relief for the ills I have suffered through Colonial mismanagement, but for inquiry into the practices and influence of the Jesuits in Ireland and in the Colonies, which, in one word, have been the cause of Irish, and of many of South African miseries; as was eloquently described to be that of Spain, by a distinguished foreigner last Friday, at the London Tavern. M. Colon said, "Shall I paint in two words, the dismal era of our thralldom? The Inquisition and the Jesuits were recalled to life amidst the astonishment and the scandal of the nineteenth century." This, Sir, I fear you may consider prolix. *But it is fact*, and facts are stubborn things. I do not appear before my Lord Bathurst to implore pardon for crimes, or compensation for misfortunes, arising from my own ill conduct. No, Sir, I assume a more dignified and lofty tone. I appear before his Lordship and the British Public as a loyal subject, fearless in great difficulties, but standing on the vantage ground of truth—honoured with the

approbation of our most gracious Sovereign, and boldly determined, however humble my situation, to interpose my feeble endeavours, as all faithful subjects should do, to save his Majesty and his dominions from the baneful influence of Popery, whether foreign or domestic ; Popery being the cause of the present ills of France, Spain, and Ireland—and, Sir, the cause of many of the ills at the Cape of Good Hope. I have &c.

(Signed) WM. PARKER.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 13th March 1823.

SIR,—Having laid before His Excellency the Governor your Letter of the 3rd Instant enclosing a Memorial from Mr. A. Biggar for the grant of a small piece of Land near the Mill River, on the high road from Graham's Town to Algoa Bay, and recommending the grant of the same, I am to acquaint you that His Excellency has been pleased to approve thereof, and to desire that the usual Report and diagram may be sent up. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 14th March 1823.

MY LORD,—I have had the honour to receive Your Lordship's despatch No. 26 of the 27th September last, recommending that a place of publick Worship should be built at the Village of Wynberg, and a Minister of the Church of England appointed to officiate there in consequence of the encreasing number of the population in the Vicinity, and of the number of persons who resort thither from Cape Town during the hot months of the year.

It would have afforded me much satisfaction to have conveyed to Your Lordship the immediate sanction of His Majesty's Government for an Expenditure necessary to complete so desirable an Object; but as His Majesty's Instructions to The Commissioners of Enquiry particularly direct their attention to the Support afforded in the Colony to the Established Church of England, it has appeared more advisable to reserve the consideration of Your Lordship's proposal until after their Report shall have undergone Investigation.

I take this opportunity of apprizing Your Lordship that upon communicating, according to your suggestion, with the Society for the propagation of the Gospel in Foreign parts, it appeared that their Funds were not sufficiently ample to enable them to advance any Money for building a Church at Wynberg beyond the Sum of £200 which they had previously offered through the Medium of one of their Missionaries at the Cape. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 14th March 1823.

MY LORD,—Having in February 1822 referred to the consideration of the Lords of the Committee of His Majesty's Most Honourable Privy Council Your Lordship's despatch of the 14th December 1821 and subsequently brought the petition of persons engaged in the Whale Fishery at the Cape of Good Hope again under the Notice of the Committee, I now do myself the honour to transmit herewith the Copy of a Letter addressed to this department by desire of their Lordships by which it appears that they have reason to believe that a Bill will be submitted to Parliament in the present Session providing that Whale Oil the produce of the British Fisheries at the Cape should be placed on the same footing with respect to duties payable in this Country as Whale Oil the produce of British Colonies in North America. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 14th March 1823.

MY LORD,—I do myself the honour to acknowledge the receipt of Your Lordship's despatch No. 29 of the 9th December submitting the Case of Mr. Murray and recommending to favourable consideration the claim he has brought forward for indemnification for Losses incurred at Robben Island in consequence of the Fishery he had there established having been rendered useless from Regulations enforced for the better security of Prisoners confined in the Island or under Sentence of banishment.

As the Losses which Mr. Murray has sustained have clearly arisen from Measures of the Colonial Government which I am disposed to consider were not adopted but under a conviction of their absolute necessity, it appears that the Equity of His claim can be questioned only as to its extent, and with a view of ascertaining this point and coming to the most satisfactory decision, I have to request Your Lordship would be pleased to confer with The Commissioners of Enquiry, and in conjunction with them fix the amount which may be deemed an adequate compensation for the value of the Buildings Mr. Murray has been under the Necessity of relinquishing; and Your Lordship will direct the Sum that may be agreed upon to be paid out of the Colonial Treasury. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 14th March 1823.

MY LORD,—I transmit to Your Lordship herewith a Memorial addressed to me by Mr. William Corbitt relative to the Circumstances under which three prize Negro apprentices have been removed from the Care of the person in whose charge they were

left by Him during His absence from the Cape, and as it is alleged that this transaction took place under the authority of the Collector of His Majesty's Customs I have to desire Your Lordship would be pleased to give directions that the Officer in question may be required to state the Circumstances of the Case as well with regard to the legal ground on which he proceeded, as the particular reasons which rendered it in his opinion adviseable Himself to take charge of one of the apprentices, and to transfer the others from the Custody of the Agent of Mr. Corbitt to the service of other Individuals. With the explanation of the Collector of Customs, I beg Your Lordship will cause Mr. Corbitt's Memorial to be returned to this office. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 14th March 1823.

MY LORD,—I have to request Your Lordship would be pleased in furtherance of arrangements decided upon with respect to the provision of furniture for the Government Houses at the Cape, to give the Necessary Orders that Inventories may be prepared and transmitted to this country of the different Articles of this description which, having been purchased at the publick expence, are at present in use in Houses occupied by Your Lordship in virtue of Your Office, and I beg at the same time to intimate to Your Lordship that it is not intended that any additions or repairs in the way of furniture should be charged in the Colonial Accounts.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the Fiscal to different Landdrosts.

FISCAL'S OFFICE, 14th March 1823.

GENTLEMEN,—I enclose to you a list of Negro apprentices formerly Indentured by the Fiscal in the Service of Inhabitants, but whose time of service has expired, and request that for as far as these Apprentices and their Masters may reside in your respective Districts you may be pleased to cause them as well as their Masters to appear personally before you and to acquaint them with the expiration of the Apprenticeship, leaving them the choice to engage themselves with their present or any other Master for not less than one year; the contract to be entered into by them may be made out similar to those of Hottentots and other Natives in the presence of you or the respective Fieldcornets. I have &c.

(Signed) D. DENYSSSEN, Fiscal.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it having appeared to me to be expedient and advisable, to embrace every opportunity of encouraging Markets and Fairs, at the most eligible stations in the Colony,—I have decided to authorize an Annual Fair to be held in the Hantam, in the Month of August next, and have approved of the following Regulations being promulgated and acted upon, for the maintenance of Order on the occasion, viz.:—

Art. 1.—The Landdrost, or Deputy Landdrost, of the District of Worcester, is directed to be present at the Slinger Fountain, in the Hantam, on the last Monday in August next, when a Fair will be held at that place;—he will cause a sufficient number of armed inhabitants to attend, for the maintenance of order and tranquillity;—he is to point out Baiting-places (outspan) to those who come to the Fair, fix a spot for the transactions

thereof, and make such further arrangements as circumstances may require.

2.—The Landdrost shall appoint a Clerk of the Fair, who shall take a regular account of the transactions thereof, which will afterwards be made public through the channel of the Cape Gazette.

3.—Natives of the Interior, to the northward of the Colony, shall be allowed and encouraged to bring their Wares for sale to this Fair. All Inhabitants of the Colony shall have the right to vend Colonial Produce at the Fair; but Foreign Merchandize may only be sold or bartered by those who have obtained Licences thereto, or have Licences for hawking in the District, or for keeping Shops therein.

4.—The Clerk of the Fair is to make arrangements for selling to the highest bidder, for ready money, such Articles as the Sellers may wish to dispose of in this manner; and in such cases, not more than one per cent shall be deducted from the proceeds and paid to the Clerk of the Fair.

5.—It will be the duty of the superintending Magistrate to ascertain, that all transactions with the Natives of the Interior are just and fair, and to annul any thing that appears to him of a contrary nature; and in case of difference or dispute, the Magistrate shall decide in equity and justice, or direct the Articles to be re-sold by public vendue, as the case may require.

6.—The Fair shall open one hour after sunrise, and terminate one hour before sunset; no transactions entered into out of the hours of the Fair, shall be considered legal.

7.—The disposal of Spirits, Wines, Beers, or other Liquors, whether by sale, barter, or gift, is peremptorily forbidden; and should the Magistrate discover such to have been brought to the Fair, (unless for the immediate want of those Persons who may be in possession of them,) he is hereby authorised and directed, to seize and spill the same, and to levy such summary fine, not exceeding the sum of Fifty Rix-dollars, as to him shall appear equitable.

8.—It is most strictly forbidden to take to the Fair, for sale or barter, or to exchange or give away there, any Fire-Arms or Ammunition;—any Person offending against this Regulation shall be punished by the superintending Magistrate, as in the cases alluded to in the last Article. Fire-Arms or Ammunition found

in the possession of Persons attending the Fair, unless the same be for the immediate use of the Person in possession, shall be seized and sold for the benefit of the Treasury of the District.

9.—The Landdrost, or superintending Magistrate, is hereby authorised and directed to use the most summary means in keeping the peace, and is empowered to arrest and send away, in custody, any Person who shall not deport himself with due order. It is most urgently recommended to the Inhabitants who may attend the Fair, to be courteous and kind to the Natives, in order to encourage a confidence, which will ensure a continuance of friendly intercourse with the neighbouring people.

10.—Natives of the Interior, on their return home, shall depart by a route to be fixed by the superintending Magistrate, who is to make them understand, that in case they take with them Slaves, Hottentots, or others deserting the Colony, or become guilty of excesses, they will be pursued and punished, and for ever excluded from the privileges which Government will grant from time to time, for the better regulation of the Fair. The superintending Magistrate is to take care, that the Natives and Colonists do not halt at the same outspan places.

11.—To these Rules and Ordinances, the Landdrost of the Worcester District is hereby empowered to make such further Local Regulations, as shall appear to him to be necessary in order to give full effect to my intentions in this regard.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 14th Day of March, 1823.

(Signed) C. H. SOMERSET.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been represented to me to be necessary, to preserve the few Elands which are left in the George District,

and which have met with great protection from the Landed Proprietors in the vicinity of the Attaquas Kloof, but have latterly been wantonly dispersed and destroyed, by some evil-disposed Persons:—It is, therefore, hereby ordered, that the Regulation which gives protection to the Hippopotamus and Bontebuck, (that is, the 5th Article of the Proclamation of the 21st of March, of the Year 1822,) shall be henceforward, also, made applicable to the beautiful and scarce species of Deer, called Eland, found in the George District;—of which all Persons are called upon to take due Notice, as the Penalty for contravening the same, will be most rigidly enforced.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my Hand and Seal, at the Cape of Good Hope, this 14th Day of March, 1823.

(Signed) C. H. SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 15th March 1823.

MY LORD,—I do myself the honour to acknowledge the receipt of Your Lordship's despatch No. 30 of the 16th December last, recommending an immediate Encrease being made in the Cavalry of the Colonial Regiment.

The security of the districts bordering on the Frontier having been already much disturbed by the incursions of the Caffres, and it appearing by Your Lordship's despatch that their Chiefs meditate hostile combinations against the Colony, His Majesty's Government have acceded to Your Lordship's Suggestion and sanctioned an addition of two troops to the Establishment of the Regiment, and the appointment of a Second Field Officer as necessary to its efficiency with reference to the duties of Detachment which will be required from it.

In adopting however Your Lordship's recommendations in regard to the future Establishment of the Corps it is necessary that it should be distinctly understood, and observed as a positive Stipulation, that every Officer should be effective, and entirely restricted to regimental duty, no one being permitted to hold a Staff Situation; and especially that the Major of Cavalry shall be at all times present and effective, and on no account allowed to fill a situation occasioning his attendance elsewhere, or affording a Plea for absence from regimental duties requiring his Constant attendance, and continued and undivided attention.

Your Lordship will cause the strictest economy to be observed in equipping these additional Troops of Cavalry, and direct an Estimate of the Expenditure to be transmitted for my information.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. CHARLES D'ESCURY to ROBERT WILMOT, ESQRE.

CAPE TOWN, 15 March 1823.

SIR,—After having, on the 22nd February last, had the honor of stating to you the manner in which H. E. had thought proper to close the subject of the several communications I have had with him respecting my situation here, the particulars of which are in detail before you, I addressed to you a second letter dated 3rd March, which went by the same conveyance, in which I stated that having understood that the Commission expected here was first to proceed to the Isle of France, I would take the liberty of transmitting to you, and of requesting your laying before Lord Bathurst, certain papers and documents I had prepared with the view of submitting them to the Commissioners. These papers &c. I shall beg leave now to enclose, they will be put on Board the Ship *Castle Forbes* which sails to-morrow, feeling strongly the importance of the matter contained in these several Documents, and anxious to give to it every advantage it can derive from the best and most authentic information His Lordship

can obtain respecting it. I intend writing on the subject to Lord Howden, with whom the measure for regulating the Land Tenure had originated, and who having been so laboriously engaged, during a considerable portion of the time he governed this Colony, in maturing it, is perfectly acquainted with the merits of the particulars I have stated. In like manner Sir Rufane Donkin, who has at a later period seen this measure in operation, and can from his own knowledge speak to several of the facts I adduce, to him I have also written respecting it, and both I have requested on the ground of the interest they have respectively so beneficially proved to feel for the Colony, to give the present subject their consideration and support, while every particular I have advanced lies open for investigation. If in these particulars, whether those that relate to the general question, or to that in which I am more immediately and personally interested, I have been obliged to enter into unpleasant details, allow me, Sir, to assure you I have done so with the greatest reluctance. I felt strongly the delicate situation in which I am placed, and although in both instances a sense of duty has impelled me, I could not but be sensible of the unequal advantages under which I had to make my statements, in so much that notwithstanding the most perfect and respectful reliance on the known candour and liberality of Lord Bathurst's mind, had I not had the prospect of impartial investigation *on the spot* I must have remained silent, and then even I could not have ventured on taking this course without surrounding the two several cases with the strongest evidence. I trust therefore that nothing invidious can be attached (as certainly nothing is more remote from my mind) to what I have stated, which I beg may be considered not as charges preferred, but as circumstances adduced in support of the ground I have taken. I have &c.

(Signed) CHS. D'ESCURY.

[Original.]

Memorandum by MR. CHARLES D'ESCURY

On the Mode of applying for Grants of Land; and its progress through the different Stages, until the Grant is finally obtained by the Applicant, together with some general Rules for the guidance of the Commissions of Inspection, and the Instructions for the Land Surveyor.

A Memorial is presented to His Excellency the Governor for the Land which the Individual is desirous to obtain, describing its situation and the extent wished for, written on a stamp of *Two Skillings*.

This Memorial is through the medium of the Colonial Office transmitted to the Local Magistrate of the District, where the Land asked for is situated, with instructions in particular cases to report thereon immediately, but otherwise the different Memorials so referred lie over at the Drostdy till the next following Monthly, or Quarterly meeting of the Local Magistrates there, when they are arranged in such a manner, as best to effect œconomy, and that the greatest suitable number of Lands asked for in the same subdivision may be inspected and surveyed at the same period, with a view as much as possible to lessen the Expences to the Individuals and in order to put these expences as little to the hazard as possible, and to prevent disappointment to the parties applying, the plan has lately been adopted of sending from the Colonial Office to the respective Districts such Memorials for Lands to which here there appears no immediate objection, together with a form or set of Queries to be answered and returned to the Colonial Office, and according to which an order is then sent out, either to proceed with the Inspection, or to refuse the grant. Public notice is given in the Districts of those Lands asked for that are intended to be surveyed, the Field Cornet is moreover instructed to inform thereof all such persons as may be interested in the disposal of those Lands, and they are summoned to attend on the day, and at the place of Survey.

This having been previously done and arranged, a Commission consisting of the Landdrost and one Heemraad, assisted by a Sworn Land Surveyor, and the Field Cornet of the subdivision, repairs to

the Land to be surveyed, they hear the Field Cornet and the parties interested as to what they may have to state concerning those Lands, and ascertain whatsoever may be necessary for the Government to be made acquainted with, and then, unless any circumstance should present itself that in their judgment forms an objection to the Grant, they proceed to inspect the nature of the Land asked for, the extent that can be given to it, according to the petition, without interfering with Lands already occupied or with such others as still remain in the hands of Government, and farther collect all such information respecting it as the several existing regulations, or such other particular instructions as they may have received render necessary.

The Commissions having satisfied themselves on these several points, they instruct the Surveyor accordingly, and shew to him the direction to be given to the future Boundaries, when they leave to the Surveyor to measure the Lands by himself, in the presence of the Field Cornet only, after the several pieces of Land applied for have in succession been so inspected and pointed out to him.

When the Surveyor has done measuring these different pieces of Land in the manner he has been directed, he hands over without delay the several Diagrams, together with a general plan connecting the Lands he has so measured, to the Commission, who then forthwith make up their Report and transmit it to Government, according to the hereunto annexed Printed Form, stating besides every circumstance relating to the Land, to the individual applicant, and to such others interested in the grant as may have come to their knowledge and may not be specified in said printed form ; suggesting also such particular clauses, as to them may seem expedient, should be inserted in the Grants.

The Report having been received at the Colonial Office, is sent to the Inspector of Government Lands and Woods, who examines whether the several parts therein contained and the diagrams are conformable to the existing regulations, or special instructions, whether the rights of Government have been preserved, and its views as to the future disposal of the remaining Lands attended to, whether the applicants are entitled to the Grants proposed, whether any undue advantages have been taken, whereby one individual may have been favoured to the prejudice of another, whether the value of the Land has been fairly noted, according to its capability,

and what it actually yields as stated in the Report, whether any objections occur to him, or any other circumstance requiring the consideration of Government.

These several subjects the Inspector having stated in Notes added to the Report, it is so returned by him to the Colonial Office, from whence it is laid before His Excellency the Governor, who then decides upon the several Grants submitted to him.

His Excellency's decisions having been obtained, the Landdrost (Local Magistrate) is forthwith made acquainted therewith for his own information and that of the parties concerned, and the Grants that have been approved of are made out in the manner His Excellency's decisions direct.

The Title Deeds being thus prepared they are sent to the Inspector, who examines whether the diagrams, the terms, and the conditions of the Grants, have been correctly inserted, after which the several Grants are presented to His Excellency in duplicate for his signature, which having been affixed to them they are sent to the Land Revenue office to be there registered.

When returned from thence they remain at the Colonial Office, one to be delivered on application to the individual in whose favour it is made, on his paying the usual charges thereon, the other to be kept as a Public Record.

(Signed) C. D., Inspector.

[Annexure.]

Expenses attending the Inspections, Surveys and Grants of Land are the following:—

To the Commission :

	Rds.
Landdrost	8 per day
Heemraad	6 Do.
Field Cornet	4 Do.
Messenger	3 Do.
<hr/>	
Total	Rds. 21

Waggon hire for their Transport, according to the customary and legal rates.

These expences are susceptible of being divided according to the number of Inspections made in one day, and are rated in proportion to the time each Inspection takes up.

The measuring of each portion of Land is charged by the Surveyor to each individual in the following manner :

								Rds.	sk.
For 10 Morgen or less	.	.	.	.	.	.	.	6	
From 10 Do. to 60	.	.	.	.	.	.	.	10	
From 60 Do. to 100	.	.	.	.	.	.	.	12	4

above 100 Morgen 4 Stivers per Morgen.

For a Loanplace whatever the extent, but commonly 3000 Morgen, Rds. 100.

Besides for travelling expences Rds. 4 per day.

Servant 1 Do.

And for every Diagram Rds. 4 and Rds. 4 for the general plan of the Survey on which the diagram of the Land measured is brought over, and which lies at all times open at the Drostdy for the Inspection of the parties concerned.

The parties, where a waggon is required, divide the expences thereof, as above observed with respect to the Commission, between them. The Individual whose Land is about to be measured must transport the Instruments.

Each Individual is obliged to deposit the probable Amount of what his expences will come to, into the District chest, previous to the Inspection &c. taking place, which when concluded the balance is settled either way, but should the grant ultimately be refused the deposit is reimbursed to the Individuals.

The Title Deed of the Grant.

The Stamp on which the Title Deed is written differs according to the nature and extent of the Grant.

Freehold from Rds. 25 to Rds. 100.

Perpetual Quitrent Rds. 10 to Rds. 50.

The Office Fees, but paid into the Treasury, Rds. 5 4 sks. per

Grant. And for each of the two diagrams Rds. 4 to the Surveyor who copies them.

N.B. The Copy of the Title Deed that remains as Record is not written on a Stamp.

[Original.]

General View of the Land Tenure at the Cape of Good Hope.

Long as this Colony has been in the possession of the Dutch Government, little or no comparative progress had been made in the cultivation and other improvement of its Soil, indeed the chief object that Government had in view with respect to this Colony was the supplying of their Ships trading between Holland and Batavia; beyond this they seem rather to have discouraged improvement than otherwise, to which nothing could be more conducive than the spreading of a small population over so vast an extent of Country, preventing thereby the benefit intercourse and the interchange of ideas would naturally have produced.

It seems that for a length of time very little notice was taken of the manner in which, and to what extent the Land was occupied for *temporary use*, but the greatest possible jealousy has at all times been entertained by the Dutch Government as to the Colonists obtaining any *permanent concessions*. Various enactments were however from time to time made against the unauthorized use of the Land; but probably intended more to prevent, in progress of time, any claim from being established on an unresisted occupancy, than absolutely to prevent that by which for the moment no one suffered, and which these repeated enactments it was thought would, when it became necessary, render easy to check. But this lenity of not enforcing the enactments has caused very considerable quantities of Land in different parts of the Colony to be thus occupied, so as in some instances to have become very embarrassing to settle, it has given rise to various claims that cannot be admitted, yet where to dispossess by authority might be hazardous, and to enforce the acceptance of

legal titles upon the principle applied to Grants in general be difficult, consequently requiring of the present Government much forbearance and circumspection.

By a Resolution of 1657 some persons obtained Grants of Lands without limiting the Extent, but expressing that "whatsoever Land they should cultivate in the course of three years should be given to them in Freehold, whether that cultivation was done by themselves or with the assistance of others." It does not appear that any considerable grants were so claimed.

In 1654 Small gardens and also some grazing grounds were first given in *Loan* without any rent or Recognition being paid for them. This continued till 1714, when the first recognition was imposed on Lands granted *on Loan*.

In 1732 a new Tenure was introduced, that of Leases on a measured extent of Land for the term of 15 years.

In 1743 Lands were granted in Freehold to the extent of 60 Morgen measured from the Land occupied on Loan, the remainder of which then reverted to the Government, but the recognition paid on the full extent of the Loan Land remained a permanent reserved Rent, on the 60 Morgen Freehold.

When therefore the occupancy of the Soil had become subject to some degree of system, it was held on three distinct Tenures, viz.:

1. Freehold, subject to a reserved rent.
2. Fifteen years quit rent, at rents proportioned to their nature and extent.
3. Loan Lands, annually resumable.

The Nature of the two first of these Tenures would seem sufficiently to explain itself, were it not that those freeholds having grown out of the Loan Tenure has given rise to misconceptions, and erroneous claims, as will presently be shown, while the Loan Tenure annually resumeable, from its particular nature, the number to which these Leases have increased, the length of time this Tenure has been allowed to exist, and the effects it has produced, requires to be explained.

These Loan Lands were first given out without fixing the extent, because the slender means then possessed by the Inhabitants rendered it unnecessary, their property in those times consisted only of some few cattle, and with the grazing Land required

for these, they wanted only some small Spot of cultivable Land for themselves.

As their Cattle increased however, and that they wanted more Land, and obtained also permission to cultivate, they were made to pay the tenth of the Grain won, and Six Rixdollars as an annual recognition for the remainder.

This continued for a short time, when the recognition was made 1 rd. per Month, and an application enjoined to be made for the renewals of the grant, one Month after the expiration, on pain of not being permitted to continue.

In 1728 instead of being granted from year to year, the Loan grants were made for two years, in consideration whereof the recognition was increased from 12 to 24 Rixdollars, and so it continued till 1793, when the renewal was again made annual, the recognition however remained Rds. 24 per annum.

These Loan occupancies from being at first of small extent by degrees increased till from a given point, the extent of *half an hour* in every direction was taken, and afterwards allowed.

The manner in which such a Loan Place used to be given out was, by presenting a Memorial to Government, giving a name to some Spring or other Spot, round which the Individual wished to occupy the Land, and soliciting leave to do so.

When the Government was informed that no objection existed, a Letter was written to the Land Revenue office stating that N. N. was permitted "to lie and graze with his cattle for the term of one whole year, on the Place called situated provided not to inconvenience any other person being already there, nor to draw any inference from this permission, but to pay previous to its being registered Rds. 24, and to apply for the renewal thereof within one Month after the expiration of the year, on pain of forfeiting the right to continue on said Place, and further to pay the tenth of the grain raised &c." The Land Revenue Office then registered such a place in the name of N. N., and gave him a Copy of said Letter, which producing to the Landdrost (Local Magistrate) the Field Cornet was directed to repair to the Spot pointed out by N. N., where he fixed the central point, called "*Ordonnancy*," being generally a *Spring*, and from thence he *walked* half an hour in every direction, provided this did not encroach on any Land reserved by Government, or already occupied by any other person authorized to do so. Any deficiency so

occasioned to the distance of the half hour was however not to be made good in other directions, as the half hour was not allowed to be exceeded. The *walking* of the distance being very uncertain in determining the extent, it was decided that 750 Roods should be reckoned equal to the half hour, and according to this the Loan places subsequently converted into Perpetual Quitrent have always been measured. This diameter gives 6000 Acres of Land to each Loan place, of which the immediate and injurious consequence is that, whereas there are 2291 such Loan places, the greater proportion of the Water, which is far more important here than Land, is comprized within them, and by their great extent rendered inaccessible, thence useless to any other but the holders of such Loan places.

These Loan Lands from being at first mere "Lie Places," or Cattle farms, restricted even from cultivation, were afterwards permitted to be cultivated, which necessarily then also implied a permission to erect such buildings as were wanted for more extensive agricultural pursuits, according to the means and views of the Individuals.

Here then the private property of the Individual became in a manner identified with that of the public, he built upon Land not only not his own, but that which was, and remained, annually resumeable, and which he could therefore do only from a firm reliance on the liberality of Government, that so long as he complied with the Conditions upon which the Land was given out on Loan, he was in no danger, without a paramount necessity, of having it taken from him, and that when such necessity occurred he should receive a compensation to the amount of the fair value of his Buildings, (to which is given the name of "Upstal,") yet while the erecting of these Buildings gives the individual that degree of interest in the Soil, he still remains liable to be dispossessed, he must still annually renew his Licence to remain on it, he cannot dispose of this temporary occupancy without the consent of Government, he cannot subdivide it any way among his children, he can only make over *the Buildings*, and as it is impossible he should transfer more than what he is himself possessed of, his successor becomes liable to all the restrictions and obligations attached to that Tenure, consequently equally liable to the *resumption*. Still the necessity of resumption seldom occurring, the greater number of these Loan places having been such a

length of time in the possession of the same persons, and the "Upstals" having been transferred, or descended to them by inheritance, so that from habit they look in a manner on *the Land* as their own, which rendered, notwithstanding all the circumstances marking this a temporary and precarious tenure, the disturbing of that occupancy, tho' with a view to the benefit of the Individuals, but also charging a higher permanent rent upon it, a measure of great nicety, requiring much circumspection.

But besides this there is another circumstance from which the Loan Lease holders have conceived, and they have been encouraged by others in the idea, that the Tenure was not so precarious as the appellation of *Loan* implied, namely their paying a duty on the Sale of their "Upstals," which Sale often happens to be for a greater amount than the real value of those Buildings, and thence they have inferred that the Government having received that duty, have tacitly acquiesced in the purchase of *the Land as well as of the Buildings*.

Were this admitted, it would shew the Government to be content that the Crown Lands should be sold for the benefit of private individuals, and be satisfied to receive as a consideration for the alienation of the Soil a paltry $2\frac{1}{2}$ per cent on what such individuals were gratuitously permitted to put into their pockets. It is impossible such an idea should for a moment have been entertained by any administration of the Local Government, on the contrary every regulation on this head has decidedly for object to shew to the purchaser of the Upstals that he acquires no other right than what his predecessors possessed, and what the original Licence "to lie, and graze with his Cattle for *the space of one whole year &c.*" clearly expresses; besides which, if it were intended that the purchaser of the "Upstal" should acquire a more extensive right than what was attached to the original Licence or grant, he must be furnished with a corresponding title Deed, he would have paid the full duty of 4 per cent required on the transfer of immoveable and Landed Property, whereas he has paid only $2\frac{1}{2}$ per cent as on *moveable* property, the transfer would have been made before Commissioners, it would have been registered in the proper offices, none of which takes place with respect to the Sale of "Upstals."

From the different circumstances here pointed out it will be difficult to imagine a worse tenure both to the holder and to the

Public than the Loan Tenure. The farmer had no security in the possession, all his expences were at hazard, and the fruit of his Industry most precarious, and uncertain whether his children or strangers would enjoy the benefit of it. Industry was therefore greatly checked, and the public suffered in proportion; all what the latter received was the puny consideration of Rds. 24 annual recognition, with this absurdity attached to it that whatsoever the quality or local advantages of these Places might be, one fixed unvarying Sum of Rds. 24 served for all alike.

That the attention of Government therefore was at an early period turned to the improvement of so injurious a tenure is natural to imagine, and consequently after much attentive and matured consideration the measure for converting all resumeable titles into grants in perpetuity, at a fair and moderate perpetual Quit-rent, was resolved upon, submitted to His Majesty's Government, approved, and since 1814 put in progress, and it was also decided that all future new grants should in like manner be on Perpetual quit rent, in order to have but one description of Tenure in the Colony.

There appears one great objection to this measure, namely, the *extent* of each of those Loan places, and that in many instances one individual holds several of them, the capability of which far exceeds his means profitably to occupy. Was he thence to be dispossessed of the Surplus Land, or was such a preposterous extent to be confirmed to him in perpetuity? This was a question of much difficulty, in which the useful and the expedient offered to Government only the choice of evil. Such a vast extent of Land could certainly not be beneficially occupied by one person, on the other hand the various notions above alluded to, habits, prejudices, and *possession*, these the Government probably considered more prudent not to disturb in a conquered Colony, where the object necessarily must be to conciliate the population, and thro' gratitude endeavour to attach them to British interests; the question therefore yielded to this consideration.

It is necessary at the same time to observe that in this Country a considerable extent of Land is required for a given quantity of Stock, not merely because the Land is in general poor, but because of most Lands being at different times of the year subject to different distempers, on account of which it is required to change the stock from one part to another, besides also a greater

quantity of working Cattle is required here than in other parts ; oxen are generally used, the Farmers frequently plough with a second team in the course of a day, they use a greater number to a plough, but more particularly the distance and difficulty of transport takes up great numbers. In ordinary grants, where of course the same circumstances exist, it is examined into whether the Stock possessed by an Individual bears proportion to the Land he wishes to obtain, but this cannot be done with respect to Loan places which are to be converted to the same extent as legally occupied on Loan, whatever be the means of the occupier.

It has been observed before that out of the Loan Tenure had grown grants in Freehold subject to a reserved Rent, and that this has given rise to misconceptions and erroneous claims. In 1743 the then Governor Van Imhoff, clearly perceiving the objections to the Loan Tenure, was willing to substitute for it grants in Perpetuity, and therefore gave authority to do so with respect to all the Places then held on Loan, 400 in number, if the occupiers should ask for them ; but he confined this conversion to 60 Morgen, reserving on *these* the Rds. 24 paid as a recognition for the Loans, adding in his Instructions that some of these portions of 60 Morgen, when valued by trustworthy men, might prove to be worth more than said 24 Rixdrs., in which case a proportionable consideration should be paid for this greater value into the Public Treasury at the issuing of the grant, independent of the reserved rent ; while if the value should be less than the 24 Rixdrs., the Commissioners should be permitted to use the necessary consideration. 64 Individuals only availed themselves of it.

The Governor Van Imhoff's Instructions on that head were so clear and explicit that *at the time* they could not be misconstrued, but subsequently an idea has crept in that such a grant of 60 Morgen did not do away the former Loan right to the remainder, because the recognition of 24 Rds. remained to be paid, but forgetting that the very object of these grants in Freehold was *to get rid of the Loan*, and that the 24 Rds. was retained in consideration of the permanent title and freehold right the Individual obtained. This notion is maintained and contended for by most proprietors of those Freeholds to this moment, and supported by many who from their public Situations should know better,

and consequently it gives frequently rise to claims which it is difficult to persuade those interested to be unfounded.

Many are also the other claims of different kinds arising from the occupancy of Lands as before explained, either through former connivances, or even by temporary permissions from Local Magistrates; others who, on the plea of having asked for Lands, considering this as equal to having obtained them, have taken possession and occupied them, altho' afterwards it proved that the grants could not be made to them, either because they would be more useful to others, or inexpedient to be disposed of at all, which Applications, occupancies, and claims, very often originate only in jealousies and bickerings between neighbours.

It has been before noticed that the Dutch Government, however indifferent they seemed to the *temporary use made* of the Land, they very reluctantly made any *permanent concessions*, and those they so made were upon comparative small scales, it may here be proper to point out, what is well worth observing, that invariably those smaller portions, such as the Freeholds of 60 Morgen, and the 15 years quit rent which are still less, are the Lands beyond comparison best cultivated and most usefully laid out, yet the rents paid on these far exceed in proportion those on the most extensive grants; most likely because in the one the occupier's means, equal to the nature of his Land, are concentrated, and he is in the first instance spurred on by the rent he is to pay to exert his energies and to make the most of his resources, while afterwards his success, and the sweets of gain, make him progressively and permanently industrious, while the encumbered owner of an unwieldy concern, without means to take advantage of its capability, centers himself as it were in a waste, is disheartened before he begins, seldom gets beyond raising the necessary rent and providing his own immediate and daily wants, he is discontented and grumbles at his rent, forgetting *that it is not the rent, in proportion to the Land he holds, that bears upon him, but the too great an extent of Land he has encumbered himself with.* Yet this fact, plain as it is, cannot be pressed on their minds to any degree of conviction, but they go on asking for more and more, and in very many instances only in order to insulate themselves and to keep others at a distance.

In this general state of the Land Tenure it was that the measure for converting all revertable tenures into grants in

perpetuity, and the establishing the perpetual quitrent as the only Tenure in this Colony, was adopted, and it has been carried on upon the principles laid down by that measure promulgated in 1813, with the utmost perseverance and zeal, under many difficulties and opposition from contending interests, ill founded claims, and rooted prejudices. The annexed Sketch will shew with what degree of success it has been attended, to which will be added the particulars of the mode of applying for grants of Lands and its progress through the different stages to the giving out of the Title Deed, together with the rules to be observed by the Commissioners of Inspection, and the Instructions for the Land Surveyors, and also the outline of the principle upon which the value of Land is calculated by the Inspector of the Government Lands and Woods, and the particulars of the duties of that office.

(Signed) CHS. D'ESCURY,

Inspector of Government Lands and Woods.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas I, having taken into consideration the happy increase of the means of religious instruction, and the opportunities for religious worship, which have been established in this settlement, and the benefit which is resulting therefrom to the community at large; and being confident that there exists but one feeling in the breasts of the inhabitants, that it is the bounden duty of every true Christian to civilize the lower classes, and to ameliorate their condition as far as may be consistent with the security of the state, and with a due consideration to the rights and privileges of all: and whereas, it must be evident to every well disposed and religious person, that the propagation of Christianity amongst slaves will tend, beyond any other measure, to promote morality amongst them, and to improve their condition and conduct; do (under a sanguine hope that the following regulations may conduce to those desirable objects, and to the removing of any existing evils) hereby proclaim and order:—that

1st.—Sunday being commanded in all Christian states to be a day of rest, it is hereby forbidden and declared illegal to compel a slave to perform field labour on the Sabbath-day, or any other work but such as is ordinarily considered work of necessity. Complaint in such case to be made to the local authority, who is hereby empowered to exact a penalty for every such offence, if proved, not exceeding fifty rix dollars, nor less than ten rix dollars.

2nd.—Slave proprietors, who have caused their slave children to be baptized in the Christian religion, shall, as far as relates to such slaves, be exempt from any tax which has been imposed on slaves in this colony.

3rd.—The manumission of a slave who has embraced the Christian religion, shall not be subject to the customary payment of fifty rix dollars to the reformed church; but such slave shall nevertheless be entitled (the same as other members of the church) to support from the vestry under the usual regulations and conditions.

4th.—Christian slave proprietors, residing in Cape Town, and other towns and villages, and their immediate vicinity, where free schools are or may be established, are, after the first day of June next, to send their slave children above three years, and under ten years of age, at least three days in each week to the established free school nearest to their dwelling; and those whose residence will not permit them to afford this consoling advantage to their slave children, are anxiously invited to avail themselves of any means which may offer for giving them instruction.

5th.—Slaves who have been baptized, and who are not within the prohibited degrees of consanguinity, may intermarry with their proprietor's or respective proprietors' consent, had in writing, and delivered to the local authority; and the children of such marriages shall be the property of the proprietor of the mother. The same shall hold good with regard to slaves of either sex intermarrying with free persons, in which case also when the wife is a slave, the children of such marriage belong to her proprietor.

6th.—The consent in writing, of the proprietor or respective proprietors, as the case may be, transmitted to the clergyman through the local authority, shall supersede the necessity of being asked in the church, or of appearing before the matrimonial court to legalize the marriages of slaves, and the respective local authorities shall be responsible that all marriages between slaves

are without delay enregistered, as all other marriages are, and that a notification of the marriage be made to the general or district office (as the case may be), established for the enregisterment of slaves.

Slave marriages shall be celebrated in the church on Sundays, where the locality will permit, and in other cases the clergyman will once in twelve months appoint the most convenient places in their respective districts, for the purpose of marrying slaves and baptizing children, so as to remove the inconvenience arising from remote habitations, which marriages it shall be lawful for the clergyman to perform, upon receiving the written consent of the proprietors, through the local authority as above directed. The marriages of slaves, and the baptism of their children, shall be performed without fee or reward.

7th.—After the celebration of marriages, it is forbidden for the parties to be sold separately, or the children of such marriages without the parents, or the survivor of them, until such children shall have attained the age of ten years, except under a decree of the court of justice.

8th.—Children not born in wedlock of a slave woman, who has embraced the christian religion, and has been baptized, shall not be sold from their mother, unless they shall have fully attained their ninth year; neither shall such christian female slaves so baptized be sold, without selling to the same person any child she may have under the age of nine years, except under a decree of the court of justice.

9th.—The regulations prescribed in the preceding clause respecting children born of mothers who have embraced the christian religion, and have been baptized, shall also be observed with regard to children born of slaves not of the christian religion, and not having attained their (ninth?) year, to whom the special care and attention of the mother must be considered indispensable; and all sales not in conformity to the restrictions comprehended in this and the foregoing clauses, are hereby declared null and void.

10th.—In order further to ensure the observance of the preceding clauses, separate books shall be kept in the respective offices for the enregisterment of slaves of all slave marriages, and of all slave children born in lawful wedlock; for which purpose owners shall report to that office, in their respective districts, the date and proof of baptism. Those who neglect causing the children

of their christian slaves born in wedlock to be baptized within twelve months after the birth of such children, shall incur a penalty of not less than twenty-five rix dollars, and not exceeding 100 rix dollars for each offence, and shall be compelled to have such child or children baptized at their own expense.

11th.—Slaves who have embraced the christian religion, and have been incorporated in the church by baptism, although transferred or become the property of heathens, are not to be deprived of the right of attending at church or place of christian worship on Sundays, under a penalty of ten rix dollars to be paid by the proprietor, unless justifiable cause can be shown for such prevention.

12th.—The evidence of a slave, upon oath after baptism may be received by the constituted authorities, or competent courts, the same as that of any other christian.

13th.—The property possessed by a slave, whether acquired by work in extra hours (with the permission of the proprietor), by donation, legacy, inheritance or by any other honest means, is inherent in the slave, and in no event belongs to the proprietor, except in cases of suicide. In cases where differences may arise with respect to the property of a slave, or the means by which such property has been acquired, either party may bring the case under the cognizance of the local competent court: every slave is entitled to dispose of his or her property, or other rights legally acquired, as well during life as by will at his or her demise, according to the laws of the colony; but in consideration of the peculiar circumstances, which attach to this class of the community, it is here enacted that if a slave die intestate, having no husband wife or child (as the case may be), the last declaration of the party, relative to the disposal of his or her property, if made before two credible witnesses, of the age of twenty-five years or upwards assembled for the purpose (who shall depose on oath to the truth of their statement), shall be considered valid and effectual for the disposal of his or her property, under the direction of the orphan chamber, provided such disposal be not in favour of either of the said two witnesses, and the orphan chamber shall make the disposal accordingly. In cases where intestate slaves have no relations, and make no declaration or last will and testament, such as above described as to the disposal of their property, the property shall be paid by the orphan chamber into a fund, formed for the purchase

of such female slave children as shall have been at one of the established schools during a period of four years, and who shall be particularly recommended by the committee for their moral and exemplary conduct during that period. The value of the female slaves whose freedom is thus purchased shall be fixed according to their actual value at that period, by a commission of the court of justice; and such purchases shall be exempt from all taxes and charges ordinarily imposed upon the manumission of slaves. This fund shall be placed under the direction of a Board, consisting of his Excellency the Governor for the time being, the Colonial Secretary, the Chief Justice, the President of the orphan chamber, the Colonial Chaplain, and the senior Ministers of the reformed and Lutheran Churches, and such other person or persons as the Governor for the time being shall be pleased to appoint, who are also empowered to receive all donations and legacies which may be made in aid of the objects of this fund. In the disposal of property left by slaves, the fees to which the orphan chamber shall be entitled, shall be on a scale of one half only of the established fees of that institution.

14th.—Every slave is to be daily supplied with sufficient and wholesome food; and in cases of dissatisfaction relating thereto, appeal may be made by either party to the local authority, and if deficiency or bad quality be proved, the proprietor or employer for the time being shall incur a penalty of twenty-five rix dollars, and for a second offence a penalty of fifty rix dollars, to be disposed of as hereinafter directed, in clause twenty-three; if on the contrary the complaint be proved to be unfounded or frivolous, the complainant may be proceeded against as hereinafter directed.

15th.—Every slave is to be kept provided with good and sufficient clothing, by the proprietor for the time being, and in case of dissatisfaction, appeal may be made, under the same provisions and penalties on either side, as stated in clause fourteen.

16th.—Slaves employed in garden or field labour are not to be compelled to work more than ten hours in each twenty-four hours, from the 1st April to the 30th September; nor more than twelve hours in twenty-four hours, from the 1st October to the 31st March inclusive, except during the ploughing or harvest seasons, or on extraordinary occasions, when a remuneration shall be made to them in money, or by an additional proportion of food, according to the discretion of the local magistrate (if appealed to), under a

penalty not exceeding fifty rix dollars, nor less than ten rix dollars.

17th.—Proprietors or persons employed by them are not at liberty to inflict any punishment on a slave beyond what may be considered a mild domestic correction; this correction is only to be given with rods, or other implements of domestic punishment, it is not to exceed twenty-five stripes, and is, in no case, to be repeated within twenty-four hours, nor until the delinquent shall have recovered from the effects of any former correction, under a penalty, in breach of any of the provisions of this clause, not exceeding 100 rix dollars, nor less than 50 rix dollars for each offence.

18th.—Should it be necessary for the security or safety of a family or individual to put a slave in irons, the same shall be reported, within twenty-four hours, to the local authority, under a penalty of fifty rix dollars, stating the cause and circumstances under which such measure could be justified.

19th.—Maltreatment of a slave by the proprietor, not attended with death, may be punished by fine, imprisonment, banishment or other sentence of the law, according to the nature of the case and the degree of cruelty exercised; and the slave may be publicly sold for the account of the proprietor, but under special condition, of never again coming into his power, or into that of his parents, children, brothers, or sisters; but when the maltreatment of a slave has been attended with death, it must be recollected that the court in giving judgment will be guided by the law applicable to homicide.

20th.—Maltreatment of a slave by the overseer or representative of the proprietor or other individual shall be punished as if the same had been inflicted on a free person, placed under the superintendence or direction of such overseer or other representative of the proprietor. Domestic punishment is forbidden to be inflicted on a slave by any other hand than that of the proprietor, employer or overseer, (not being a slave,) except in cases where the proprietors or employers, having no free person in their employ, are females, or infirm, or suffering under disease, or are upwards of sixty years of age, under a penalty not exceeding 100 rix dollars, nor less than fifty rix dollars, to be paid for each offence by the person who has caused such illegal punishment to be inflicted.

21st.—On the complaint of a slave to the local magistrate against

the proprietor, or other individual, the magistrate shall take charge of the complaining slave, and inquire into the case forthwith, in order, should the complaint be well founded, to proceed against the person complained of, in such manner as the law directs; but should the complaint prove groundless, the slave shall be condemned to such legal punishment as the nature of the case may require.

22nd.—The corpse of a slave shall not be interred without permission being first obtained from the fiscal, landdrost, or field-cornet under whose immediate jurisdiction the employer for the time being resides, under a penalty of fifty rix dollars.

23rd.—All penalties incurred under the provisions of any of the clauses in this proclamation shall be disposed of as follows: one third to the informer, and two thirds to the fund specified in clause 13, for purchasing the freedom of female slave children of the free schools.

24th.—It is clearly to be understood, that none of the provisions contained in the foregoing clauses do, or will affect in any degree the property of the proprietors in their slaves, or their just claims to their services.

And that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King!

Given under my hand and seal, at the Cape of Good Hope, this 18th day of March 1823.

(Signed) C. H. SOMERSET.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

PRIVATE ROAD, STOCKWELL, SURREY, 19 March 1823.

MY LORD,—The last Letter which I had the honor to receive from your Lordship at the Cape, gave me so little hope of deriving any beneficial return for the labours which I had unhappily engaged in, that I immediately determined to return to England

in the expectation of better things. His Excellency the Governor, well knowing the severity of my misfortunes humanely endeavoured to assist me, and to that end made a requisition to the Commodore Lillierap, last year, for a passage for my family per the *Nautilus* Transport. The Commodore sent for me, mentioned His Lordship's kind intentions and desired me to get ready in a week, as he would order a Cabin to be fitted for us. I immediately made a Sale of the poor remnant of my effects, unhoused my family by giving up the residence which I then rented of the Naval Department, and obtained His Excellency's Passport bearing date 14 February 1822. What then, My Lord, could be more oppressively goading, more distressing to our feelings, or more humiliating to my family, than the Commodore's suddenly changing his mind! stating that he had heard that Mr. Parker, and others, had been writing in insolent terms of complaint to the Colonial Government, and to your Lordship! and that he (the Commodore) might be blamed by the Lords of the Treasury, or the Admiralty, for facilitating my return home! Thus, after I had written home to suspend my income from being remitted, did he finally cut us off, most unmercifully, from every hope of returning while he held Command! imposing upon us nearly a whole year of unutterable woe! Gracious God, what could the Commodore apprehend from my return? that I was to be so unfeelingly punished for the Sins of Mr. Parker! I was living in a state of profound retirement at Simons Town, attempting to tranquillize a heart almost bursting with grief for my losses and misfortunes; but by no means destitute of a just sense of what is due to your Lordship, and His Majesty's Government. I had no connection with Mr. Parker whatever, or with any of the malcontents of the Colony; I knew him only by name: why was I thus proscribed then, by the Commodore, from a more provident use of my time? It is true I had been solicited to bring the Complaints of the Settlers before Parliament, an honor which I begged to decline. Mr. Parker has also called upon me since my arrival, but whatever his grievances are, I have always regarded them as of a personal nature, and have uniformly receded from connecting my griefs with any Individual whatever; satisfied that in submitting them ingenuously to your Lordship would be sufficient at all times to obtain restitution and protection from further evils.

Since my return to London, I have drawn upon William Hill

Esq. for my balance of the Money which I paid into his hands in 1819, which was to be returned to me in money or Government Bills, but which from some other instructions sent to the Governor (and with which I was totally unacquainted) this Money has been withheld from me up to this date! It will be useless to trouble your Lordship with the painful details of my consequent mis-carriage and sufferings, they are, I trust, now about to subside; and having received a Letter of yesterday's date from William Hill Esq. wherein he writes that he has received "no authority from the Lords of the Treasury or Secretary of State to make any repayment to me upon account of the Money which I deposited with him," I must therefore pray your Lordship to furnish William Hill Esq. with your Lordship's authority, that I may receive the balance of the Money due to me without further prejudice to my Interests, and thereby be enabled to give that Gentleman the requisite acquittance. I have &c.

(Signed) THOS. WILLSON.

[Original.]

*Letter from SIR RUFANE SHAWE DONKIN to
ROBERT WILMOT, ESQRE.*

ROME, March 20th 1823.

SIR,—Owing to my having been travelling I have only this day had the honor of receiving your dispatch of the 30th of December last, and I hasten to express, what is first in my thoughts and feelings, my extreme and deep regret that Earl Bathurst should have found cause to disapprove of any acts of my administration connected with grants of land at the Cape of Good Hope.

It would not become me to attempt any justification of those measures on which his Lordship has been pleased to clearly express his sentiments; but I hope I may be allowed to assure his Lordship of the purity and uprightness of all my intentions in the cases alluded to. Where I have erred it has not been either from a desire to exercise power, nor from any view of private patronage, for the individuals who were the objects of those grants were

personally unknown to me except through their offices or claims.

In regard to my dispatch of the 13th January 1820 to which you have referred, and in which I declared my belief that "the most likely means to obtain his Lordship's approbation would be by adhering to the general system and following up the plans of Lord C. Somerset," I can conscientiously assert that that declaration was made with the most perfect sincerity at the time; and, if in the course of a better acquaintance with the Colony I found myself obliged to take a different Line, it was with reluctance, and it never arose out of the poor and unworthy motive of implying a censure on an absent functionary, nor of producing a contrast unfavorable to him. I respectfully make this remark in consequence of a passage in your dispatch, which points out the inference which might follow from my attention to the claims of certain public servants and others, to whom I had made grants of Land; nor did I ever act on the obvious principle laid down in a subsequent part of your dispatch, namely, "that I was not precluded by my expressed approbation of the principles on which Lord C. Somerset's administration was conducted from offering such remarks or remonstrances against its proceedings to the Secretary of State as a sense of my paramount duty to His Majesty might appear to make necessary" from a delicacy and unwillingness to obtrude my opinions on the conduct of my Predecessor, of whom and whose proceedings I wish, and have always wished to say no more than has been or may be called for in my own defence and justification; but, I feel so confident both as to the motives and causes which induced me to deviate from the pledge I had given, that I would willingly rest my claim to, and hopes of Earl Bathurst's future favor and good opinion on the Instances in which I found myself obliged to abandon that pledge; and I do not hesitate to say that it would be gratifying to me, after the representations which have been made from the Cape of Good Hope, to be called upon to state all my reasons for any and every such deviation.

In the concluding part of your dispatch in which you point out the omission I have been guilty of in not reporting the Grants as they were made for Earl Bathurst's information in conformity with the Secretary of State's instructions of the 9th of May 1815, I have only to submit that I did not find in the official forms and documents which came into my hands, nor in the general despatch

book, any trace of this practice having been followed by Lord C. Somerset, altho' I by no means set up the omission of another, if such omission really existed, as any justification for mine; but the last thing I would have been guilty of would have been a wilful disobedience in such a point as this to the orders of the Secretary of State, whose sanction is so highly desirable, whenever it can be called for in all acts in a distant Government; but, seeing at the time, no trace of any such reports having been made, and being always unwilling to trespass unnecessarily on the Colonial Office, I must confess that in my ignorance of such reports being required I have been guilty of the omission pointed out, and for this I must offer my apologies and express my regret; but I respectfully submit that if it should be found, on reference, as I rather think it will be, that this practice had fallen into desuetude before my exercise of the Government, it will palliate, altho' it may not justify my omission.

Having thus had the honor of acknowledging your dispatch, I hope that Earl Bathurst will be pleased to take into his favorable consideration those answers which I gave to the "Remarks" from the Cape of Good Hope which have been satisfactory to his Lordship, as some sort of counterpoise to those on which your despatch was founded.

To go through the analysis of (I think) 115 different Acts of my administration on which Remarks had been sent to England in a spirit certainly not of good will towards me, and out of the reach too of the official Persons and Documents of the Colony where they took place, was to pass through an ordeal of no small difficulty; and such a one as, I believe, in Variety as well as in Quantity, persons who have had the honor of acting under his Lordship in the administration of Colonial Governments have not been often subjected to; but, so far from complaining of this, I beg leave to renew my thanks to his Lordship for having called upon me for Explanation; for, altho' I have, in the cases you have pointed out, failed in giving such answers as have been satisfactory to Earl Bathurst, yet I rely with confidence in the hope that after weighing the whole, his Lordship will not blot out from his mind any feeling which he may have entertained favorable to me *on other accounts*, nor deprive me of that good opinion which he was pleased formerly to express of my conduct generally.

On my Return to London next May I shall wait on his Lordship

under the hope of finding that I have not forfeited his favor, and that the expressions of disapproval which your despatch has this day conveyed to me, will be considered as a sufficient infliction for my mistakes, (and a most painful one it has been) without adding the more grievous penalty of the loss of his Lordship's good opinion.

I have &c.

(Signed) R. S. DONKIN.

[Original.]

Letter from MAJOR GENERAL PIGOT to ROBERT WILMOT, ESQRE.

11 PERCY STREET, BEDFORD SQUARE, *March 22nd 1823.*

SIR,—I beg leave to solicit your intercession and advice in the behalf of my Brother Mr. George Pigot a settler in the District of Albany Cape of Good Hope, whose unwearied labour in that Settlement, General Sir R. Donkin late Governor, and Mr. Charles Ellis late Deputy Colonial Secretary can testify, both these Gentlemen being in this Country.

At his earnest request I did myself the honor of applying to you on Wednesday last for another Party to be sent to him at the expense of Government; but as you gave me to understand there was no hope of success, it is my intention to send him some Apprentices, and beg you will be pleased to point out to me, how such Indentures *are to be drawn up*, sufficiently binding to both parties, so as to enable me to obviate the difficulty that arises in his absence; in which case, whether the Government will grant land in the same proportion as to the settlers that went out in 1820, but with the advantage of paying the same quit rent the Dutch Farmers do for such grants?

My Brother is very desirous of having a House in Graham's Town, as his Avocations oblige him to be there frequently, being one of the Hemraaden; and should there be no objection to his having a small spot granted to him for that purpose, I beg you will be pleased to use your Interest with the Colonial Government.

Mr. Pigot states in September 1822 the disadvantages which he and the other settlers labour under, by the Dutch that have grants

of land in the district of Albany employing slaves, and specifies the Landdrost, his Secretary, and his Clerk among others; this enables them to undersell the Settlers in produce; they being prohibited from employing slaves. The Period of Service agreed upon by the settlers with their parties will expire in May next, when this hardship will be more severely felt by them, as the price of labour is from 4s 6d to 5 Shillings per diem.

Mr. Pigot refers in his letters to a traffic that is established by the Colonial Government with the Caffers (upon the Fish River at Mr. Mahony's location amidst the settlers and Seven Miles from my Brother's House) in the sale of Reddle to paint themselves with, in lieu of which they had brought an Elephant's tooth; this keeps them in constant alarm for their lives and property. Two Servants of Mr. Mahony's were murdered by them, and they have driven away all the Cattle in the neighbourhood. Mr. Pigot mentions having lost but six, in his letter of the 13th of Oct. last he says a third man has been murdered.

I must now entreat Sir that these Statements may not be construed into complaints, for I do assure you my Brother speaks of the assistance rendered him and all the Settlers by Government with gratitude and respect, nor would these apparent trifling difficulties be intruded on your time, if it was not from the magnitude they now are arrived at.

The Servitude of the parties having nearly terminated, each individual will hire himself in that District where he can obtain the best pay, which will leave the Settlers on the Frontier in a more defenceless state.

Having commanded the 21st Regiment Light Dragoons at the Cape of Good Hope, I am well acquainted with the habits of these Barbarians and the precautions necessary to adopt for the protection of the Frontier. I have &c.

(Signed) RICHD. PIGOT, Major General.

[Original.]

Letter from THE COMMISSIONERS OF ENQUIRY to EARL BATHURST.

L'ORIENT, FRANCE, 25 March 1823.

My Lord,—We have the honour to inform your Lordship, that having embarked on board the ship *Lady Campbell* on the 27th ultimo, we proceeded on our voyage to the Cape of Good Hope, and on the 6th of March being off Cape Finisterre, we encountered a very severe Gale of wind in which the ship sustained the loss of her rudder, and in the course of the Three following days, was driven in an ungovernable state, towards the Southern Coast of the Bay of Biscay. Having made signals of Distress to two ships that were in sight, but that did not notice them, we were fortunate enough, on the morning of the 10th March, to gain assistance from a small French Brig, the Captain of which, in consideration of the sum of £1500 sterling which the owner of the *Lady Campbell* engaged to pay, was prevailed upon to conduct and accompany us into Port. With much difficulty we reached the anchorage of Belle Isle on the 11th, and after such temporary repairs as could be there effected, the ship was brought up to anchorage under the Isle Groá on the 21st, and the next morning with considerable risk, entered the Harbour of L'Orient. We have the satisfaction of stating, that after a survey made of the vessel by competent persons, expectations are held out, that she may be completely refitted for Sea within a fortnight, and your Lordship may rest assured that as far as our Influence may avail to prevent delay, these expectations will not be disappointed.

We shall not fail to apprise your Lordship of our final Departure from the Port of L'Orient, in the Prosecution of our voyage to the Cape, and we have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

BELMONT COTTAGE, STOCKWELL, 27 March 1823.

MY LORD,—I have at all times to the full extent of my power and influence endeavoured to meet the wishes and anticipate the views of His Majesty's Government in locating a British Line of Settlers on the frontier of the Cape Colony, I have both in the letter and spirit of my pledge acquitted myself with sincerity, I have performed my arduous duty as became a rational man, and in the purest sense I have fulfilled my engagement; nay, more than merely discharged that engagement, I have gone to the full extent of my promise, to each Individual of my large party, and far beyond it, and I hold from every claimant a final acquittance. It is to this accuracy of Account that I owe my present freedom; it is owing to this plain system of dealing and perspicuity of my transactions that I have escaped the chains of perpetual exile in the most horrible prison in the world, fell Africa! And, what have I received in return for my rash confidence? Nothing, but obloquy, ingratitude, and maltreatment, from my numerous followers, and from His Majesty's Government the most vexatious and mortifying neglect, a want of due support, and I am grieved to speak the truth (for it will be scarcely credited) I have not received its pledge! I have in fact received nothing, I am not benefited by this lamentable and ruinous enterprise the least in the world, I have not derived the value of a straw! Under the most trying difficulties, and at times when my feelings have been strongly excited, to a state of the utmost perturbation, I have marshalled their impulse, perpetually endeavoured to promote the object of Government, and by no means attempted to thwart its intentions, much less to cry down, annoy, or to stab the reputation of Individuals whose difficult duties, in my humble opinion, required the utmost delicacy of Estimate, in lieu of stigma and reproach! In my Communications to your Lordship, perhaps I have gone further in expressing myself under the influence of feeling than might have been acceptable, but it is only in liberal and elevated minds that I can hope to find a due appreciation. Notwithstanding my mis-

fortunes, I feel a conviction that every member of His Majesty's Government have been influenced by the highest Philanthropy, disinterestedness, and humanity, frequently accompanied with sympathy and regret at the passing events of our Calamity. It is only in a single instance, that I have witnessed and felt the anguish of a barbarous and wretched want of discrimination, and although I have been disposed to spare the Individual, from consideration of his family, and because his grey hairs have been derived in the Service of his Country, and the strange perversion of his judgement and obstinacy of temper, yet I acutely feel, and know but too sensibly, that the seeds of my misfortune and failure were sown and matured by the rude Hibernian, who unhappily for the Settlers held command on our arrival at Algoa Bay. This My Lord is not simply my opinion. I believe there is not an Officer, however high in rank or low in command, but what felt chagrined, mortified and indignant, for the clamour and discord which his blunders occasioned against the several Heads of Parties, confounding all distinctions, remorselessly persevering to enforce the rigor of his outrageous authority by the most narrow and vindictive measures that could find place in the heart of man! It was in truth our bitter misfortune, to meet such a man at such a place, at such a time, and although it would be invidious to name Gentlemen, whose sensibility iterated, and reiterated this expression, I will take leave to affirm, there was not a Man of honour who did not sympathise with us for the miseries we experienced from his folly; to this, to neglect, and the due want of support from His Majesty's Government, I owe all my misfortunes; my Lands became useless and untenable, my toilsome and expensive undertaking abortive, my prospects in the Colony ruined! My Lord, it is but too distressing to look to the past, the future will I hope, and I must trust to your Lordship that the future will amend these errors and calamities of my life and afford me better prospects! I therefore conceive it will be needless to detail to you, what has passed between the local Authorities and myself. I understand that your Lordship is always possessed with Copies. I can only say, most certainly, that there was no election for us at Algoa Bay, to receive back our money or take the supplies in lieu of it; to use a popular expression it was literally "Hobson's choice," and I myself was thus compelled to lose all the money which I had

advanced in anticipation of this reimbursement, sustaining individually the entire blame, with the loss both of money and property, I was slandered as the Hoaxer, and branded as a Liar, and in respect to the supplies, an ample Guarantee for repayment to the Government is to be found in His Excellency's proclamation laying claim to all Lands as mortgaged for this particular purpose! I have *repeatedly* applied to the Head Commissary at the Cape (a Gentleman whom I desire to respect) for the specific claim of Government against me! but that Gentleman has not deemed it prudent to render the account! My Lord, I moreover pledge myself to your Lordship, that if a just claim can be established against me, Individually, I am competent to meet it, with Landed property in England, and I will be prepared in due time to do so. But my Lord, as the money in question was deposited in bank, under a pledge of the Government to reimburse me in money, all the difference is to my prejudice, and I must submit it to the breast of your Lordship once more, whether or no I have a right of claim upon your Lordship's Authority to cause Mr. Hill to repay me? I have &c.

(Signed) THOS. WILLSON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 31st March 1823.

MY LORD,—The successive droughts in those districts of the Zureveldt where Settlers from England have been located having disappointed the reasonable Expectations and impaired the Resources of many Heads of Parties who have endeavoured to second the views of Government by labouring to establish themselves on Lands assigned for their Location; I do myself the honour to acquaint Your Lordship that it is the desire of His Majesty's Government that an exertion should be made to ameliorate the condition of such of them as shall appear to Your Lordship to have conducted themselves in a manner to deserve the Countenance and further Assistance of the Colonial Govern-

ment. This object may be in some Cases obtained by extending the Grants of which Heads of Parties are at present in possession or by fresh Grants in advantageous Situations and on favourable Conditions, but in some particular instances it would also be adviseable that Your Lordship should confer upon those Gentlemen whose acquirements render them eligible to hold public Situations such Colonial appointments as may become vacant either within the district of their Location, or in any other part of the Colony where an opportunity may offer of affording them some provision.

Although it is left entirely to Your Lordship's discretion to proceed in this matter as your Experience of the Characters of Individuals, and knowledge of local Circumstances may suggest, yet I avail myself of this occasion to mention the Names of Major Pigot, and Captain Butler, and Captain Campbell as Gentlemen whose exertions appear to merit consideration.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. WILMOT, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 31st March 1823.

MY LORD,—Mr. Thomas Willson who emigrated with a large party of Settlers in 1820, has made a claim against His Majesty's Government for the balance of the Money he deposited previously to his embarkation for the Cape, on the ground that the conditions held out to the Settlers with regard to the repayment of such Sums were that the amount should be returned to them by Instalments at certain periods after their arrival in the Colony. As Lord Bathurst has not conceded to Mr. Willson's demands on the presumption that the Balance in Question would have been paid by the Colonial Authorities if the full value of it had not been received in Rations from the public Stores, He begs Your Lordship would be pleased to give directions that an Account may be immediately prepared, and transmitted to this

Office, shewing the value of the Provisions so drawn by Mr. Willson as compared with the amount of his deposit; and his Lordship further requests that a summary Statement of Mr. Willson's proceedings as Head of a Party during the time he remained in the Colony may at the same time be transmitted, as well as authenticated Copies of such documents issued by the Colonial Government, as prove that Mr. Willson, and other Heads of Parties, were aware at the time of receiving Rations from Government for the subsistence of their Followers, that the same were not issued gratuitously and that they were under no obligation to take the Provisions which had been provided by Government if they had reason to believe that they could obtain Supplies at a cheaper rate, or preferred procuring them from other Sources. Your Lordship would observe upon referring to Lord Bathurst's despatch of the 20th July 1819 that his Instructions of that date directed that Magazines should be formed in order to supply the Settlers as far as their Deposits would meet the Expence; but that they were to be allowed the option of supplying themselves in any other Manner they might consider more advantageous.

I have &c.

(Signed) R. WILMOT.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *March 31st 1823.*

MY DEAR LORD,—I had the honor to suggest to your Lordship when I was in England the expediency of establishing English Schools throughout this Colony, and I in consequence, under your Lordship's authority, engaged (with the assistance of the Revd. Dr. Thom) eight competent persons from Scotland as Schoolmasters. The grateful feeling with which this effort to improve the means of education here has been met by the Colonists suggested to me that the moment was favourable for doing something to improve the condition of the Slave population here and to pave the way for an event which I trust will ultimately take

place, The abolition of Slavery entirely in this Settlement. It was fair to argue that if the Colonists felt so strongly the benefits which would accrue to them from possessing the means of Education for their Children, they would not deny to their Slave Children a participation in those advantages, and as in confirming in the Court of Appeals the Sentence of Death passed by the Court of Justice on the son of one of the Dutch Clergymen (born in England and of an English mother) for cruel treatment of a slave which terminated in loss of life, I notified my intention of taking into consideration the Condition of the Slaves of this Colony, I availed myself of the state of mind to which these circumstances had brought the Slave owners, to promulgate the Proclamation of which I have the honor to enclose two copies to your Lordship.

It has caused me no small portion of anxiety and labour in the composing it. To give it effect, it was necessary to guard against wounding the feelings or injuring the authority of the Slave Proprietor, it was also important to go far enough to benefit the Slaves and yet to be cautious not to excite in them feelings of insubordination against their Masters. I trust that your Lordship will think that I have steered through these difficulties as successfully as the nature of the case would allow, and I am happy to add that it has from all I can gather been most favourably received and that I have every reason to expect the good will and support of the Slave Proprietors in furthering the important objects of the Proclamation, without which all endeavours would have been futile.

Should those who are anxious in the cause of the Abolition of Slavery be inclined to aid the fund established by Clause 13, their contributions in this humane cause would be thankfully received and faithfully applied.

When this Proclamation shall be known in England it will probably give rise to enquiry as to the practicability of abolishing Slavery here entirely and the most feasible means of effecting it. To emancipate the adult Slaves would be an act almost as cruel to them as it would be dangerous to the State. The emancipation must therefore take place with the children, and it must be effected without injury to the property of those who possess them. I should propose therefore that a sum of 150 Rixdollars be paid to the owner for every child born alive. The enclosed paper will

bring under your Lordship's view the annual expenditure to which this mode of Abolition would give rise and which as a great national object in the cause of humanity must, I conceive, be regarded as very insignificant whether provided by Parliament or from any other source. Should the Amount however, contrary to my expectation, be thought too large, the purchase of the female children only would effect the object eventually, altho' much more gradual and tedious in its accomplishment.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Calculation of the Expense of purchasing Slave Children at the Cape of Good Hope.

The Slave Births in 1821 were 1061

Do. in 1822 „ 1023

Taking the Slave Births annually at 1100 (which is far above the average) at 150 Rixdollars for each child, would amount to 165,000 Rixdollars, which at 130 per cent amounts to a fraction less than £14,350 Sterling, at 140 per cent to £13,750 Sterling. The exchange at the last drawing was 139 and a fraction.

The Number of Births would of course diminish greatly after a few years, till at length no one would be born in slavery.

[Original.]

Letter from MR. WILLIAM PARKER to EARL BATHURST.

NO. 10 ADAM STREET, ADELPHI, 31st March 1823.

MY LORD,—That sound constitutional Nobleman My Lord Kenyon having assured me, no individual would be more averse than your Lordship to the baneful influence of Popery in government, I beg leave to submit to your Lordship's serious perusal the Copy of the Second Petition, which I intend that Sir Thomas

Lethbridge should present to the House of Commons prior to the discussion of the Roman Catholic Question on the 17th of next month.

The facts stated in the inclosed document all of which can be supported by undeniable evidence must carry with them conviction to every mind not predetermined to sacrifice every genuine principle of British Protestant Government at the shrine of popular delusion. Popery my Lord is now ascendant in many Counties of Ireland where the Popish Priests legislate on the principles of the Jesuits, those principles which have been predominant in the government of the Cape.

Mr. Wilmot has I fear been grossly deceived. His attachment as I am informed to the Roman Catholic pretensions has made him hostile to me. He unquestionably, totally misunderstood the nature of my Petition respecting the Jesuits. Even if the very extraordinary circumstance had not occurred at the Cape of a Jesuit being Secretary there, I should have brought the infamous practices of that most dangerous Sect in Ireland before the cognizance of Parliament.

Therefore My Lord, if I had not gone to the Cape under your Lordship's auspices, I should at this eventful period have solicited your Lordship *as an uncompromizing Protestant Nobleman* to attend to the truly alarming state of Ireland. But when Jesuitism in the government of the Cape is one of the Ramifications of the system for subverting Protestantism, I do flatter myself from the sufferings that I have experienced and the boldness of my conduct that your Lordship will be disposed to look in a most favourable light on my humble but most strenuous exertions.

The abstraction of Your Lordship at Brighton from the bustle of Parliament induces me to transmit this letter there, as you may have leisure to peruse it and to reflect on the very serious claims that I have on your Lordship's consideration. I have &c.

(Signed) WM. PARKER.

[Original.]

Memorial of MR. J. T. ERITH.

To His Excellency General Lord C. Somerset, Governor of the
Cape of Good Hope, &c., &c., &c.

May it please Your Excellency.

The Memorial of J. T. Erith humbly sheweth that when your Excellency was graciously pleased to send a pass to the frontier a few weeks ago to enable your memorialist to proceed to Cape Town to lay his grievances at your Excellency's feet, he thought it his duty previous to his leaving Graham's Town to apply to the different departments of the Government to settle such accounts as they might have against him or against them.

In applying first to the Commissariat Department for Items of his account and the balance of his Deposit he was informed by Mr. Johnstone "that as soon as he signed the receipt for the 2nd and 3rd Instalment he should have the items requested." So strange a Request must I am sure evince itself to your Excellency as altogether improper, and on my intimating "I had no objection to comply with the Request if the Money was ready to be paid me," could not obtain an answer to the Letters. I again applied to Mr. Johnstone to-day to know whether I was to have my former Communications answered, when I received a Letter saying "He must drop all further Correspondence till I had signed the receipt referred to in his Letter of the 14th Inst."

Your Excellency's Wisdom I am sure will see that such proceedings are not consistant to strict Justice. That when I request my account to examine whether I have drawn to the amount of what I placed in the hands of His Majesty's Government in the Mother Country under a solemn pledge from that government that it should be again returned on our arrival here by three separate Instalments, to be asked to first sign for having received it and then the items of the Account shall be given up but if I were to do so where would be the utility of my applying after for the ballance I considered was due to me. What Court of Judicature with my Receipt in their hands would believe my Claim was strictly just after signing for having received the Money, and if Mr. Johnstone has been correct in his account where is the

impropriety of my first having the Items of my Account to examine previous to my signing the receipts, or if my vouchers given to that department upon the Issue of the different Supplies are not so great as the Ballance in hand the request must appear most glaring.

I have likewise to solicit your Excellency will be pleased to order Mr. Onkruydt to account to me for the 9 Head of my Cattle that was seized illegally under pretence for one of my Servant's wages April 1821, as I can get no satisfactory account concerning them.

And your Memorialist will ever pray &c.

(Signed) J. T. ERITH.

On 1st April 1823, GRAHAMS TOWN.

[Copy.]

*Letter from the Landdrost of Graaff Reinet to the
Colonial Secretary.*

GRAAFF REINET, April 3rd 1823.

SIR,—Referring to my letter of the 27th February last, in answer to your confidential communication of the 30th of the former month, on the subject of an advance of Capital on Interest to such landed Proprietors of this District as had severely suffered by the late Calamitous Seasons, I beg leave to add, that of those who I thought could be justly included among those sufferers, and to whom it would be safe to make such advance, none were inclined to avail themselves thereof except Abram Carel Gryling, begging an advance of two thousand Rixdollars, possessing an unincumbered Quitrent farm of far greater value, besides moveable property to a great extent, and capable of giving other undeniable Security, and Lieut. John Devenish possessing a valuable farm in this District, requiring Five thousand Rixdollars, for which he can mortgage said farm which is also unincumbered, together with other satisfactory securities.

I have &c.

(Signed) A. STOCKENSTROM.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

BELMONT COTTAGE, STOCKWELL, 3 April 1823.

MY LORD,—Nothing can be more irksome or painful to me than to be under the necessity of addressing your Lordship in the language of complaint and dissatisfaction, and I must yet hope that your Lordship will not insist upon withholding the Money in hand, as a Set off for the supplies issued by Government for the support of the Settlers, who otherwise must clearly have starved, and such supplies must essentially at all times be a part of the system of Colonizing.

I have the most incontestible proof that in other instances, to persons similarly circumstanced with myself, that such supplies were issued *gratuitously*, and that by the express Command of General Donkin. Mr. Parker has also assured me, soon after I arrived home, that he received every shilling of the money which he deposited (as I did) in the hands of William Hill Esq., and I understand that the Governor further advanced him several thousand dollars upon his Lands, instead of seizing them for the supplies issued to his party!

Another Head of a party writes that “He received his *three* Instalments without the least deduction whatever, and remarks that the late Acting Governor did want to retain it, but after a formal protest, and the apprehension of an Action in the Court of King’s Bench, His Excellency gave a private order, and *he was paid*. He further states, with respect to the provisions they were issued to him, and to *all the Settlers*, *gratis*, or they must have abandoned the wretched neighbourhood. And he also adds, *that he has got his Titles to his Lands*, and is about to dispose of the same, to return to England.

Now my Lord, it must be very evident there is something exceedingly unfair, and disingenuous in the manner I have been treated, from the beginning to the end of this lamentable Enterprise. Why, My Lord, was I not *previously* informed that it was the intention of Government to withhold two thirds of this little Money? That would have been generous and candid, instead of leading me to expect (by every document in my possession) that

I was to be reimbursed *in Money* on my arrival at the Cape! It was the *money only* that could afford me the means of protecting myself from the petty debts of numerous Individuals, whose chief aim was to incur debt, and to rob me: and *the money* was the only means of re-imbursing myself for monies advanced, in anticipation of such repayment! This is a serious loss to me, My Lord, and a serious grievance entailed upon me by His Majesty's Government. And, from the blunders of the Irish Commandant at Algoa Bay, who insisted upon it, and assured the Settlers that *I had received* the whole of my Deposit money, my family were assailed with midnight violence, and I was threatened with Assassination! Nothing but clamor and discord followed, and I had afterwards to contend against no fewer than Twenty-five Actions at Law! which I have been informed since my return, that these several actions were *secretly* advised and supported *at the expence of General Donkin!* and proof has been tendered to me to establish it as a truth! My Lord, I can scarcely credit the possibility that the Honorable General could be guilty of such duplicity! which would be no less cruel and wicked than it proved altogether futile, unnecessary, and derogatory to the Abettors. What, My Lord, can compensate me for such unheard of persecution? I was previously threatened by the rude Hibernian with ruin, nothing but my ruin could satisfy his lust of authority, he pursued me with still greater barbarity, at the very hour that my poor wife (whose education and family connexion ought to have been her protection, she is the only sister of Mrs. George Cowell of Fitzroy Square, a Lady who I believe is not unknown to your Lordship), when she, unhappily, was in a perilous state of life, and death, for 24 hours, at that critical time did this unfeeling Officer threaten, in braggart terms, to toss both me, and my baggage, into the waggons which he had planted before my door, and threatened to send us into the Interior under a Military Escort, although I had delivered in a written document with ample reasons for not plunging my family into further misery. Under these trials, I politely addressed the Landdrost of Uitenhage, an English Officer who is worthy of his responsible trust; and his humanity released us from the barbarous threat. But, My Lord, it is not my purpose to go into these details, they cannot be welcome to your Lordship, neither do I so much wish to lay open griefs as to forget them: yet I

may be allowed to say that most certainly *I never would* have engaged in a project so dubious of success and dangerous to encounter, if your Lordship, or William Hill Esq., or any other member of His Majesty's Government, had generously stated or even hinted that it was their intention to withhold my money as a set off against contingent necessities; and it must be obvious to every Man of business and to the world, that such an act, on the part of Government, is altogether foreign to our original stipulation, and (considering my severe losses) it is an act of great oppression, and I must in every point of view be regarded as an aggrieved and an exceedingly maltreated Individual.

Pardon this plainness, My Lord, it is not to offend, it is to bring a matter of fact home to your conviction, that it may reach your feelings, for I must still hope and trust that you will authorise the re-imbursement to me, without procrastinating it by sending to the Cape; the documents are doubtless already at the Treasury, in proof that I have only received my first Instalment, and I must beseech your Lordship that *my Lands only* may be charged with the other two, for supplies, in lieu of withholding this balance from me! The Governor has already laid claim to my Lands *for these supplies*; Lands, which were the boon of my Infatuation, the proffered but delusive reward of my arduous service; and if it is the determination of your Lordship finally to withhold this money from me, I shall in every way become the dupe! after suffering all the hardships and Calamities of this wretched undertaking, I shall neither get my Lands, nor my money! nothing but ill-treatment, My Lord, will be the reward of my credulity! Let it not be said, (I entreat) that this is the recompence which I have deserved of His Majesty's Government, for confiding in its promise, for sacrificing the best period of my life to its views. Toiling by day and night in its service, consuming my health and my means, wasting my Estate, exposing my family to violence and oppression, for nothing but delusion! What can compensate me for such distress and anxiety, My Lord, they deeply sting my heart, and are calculated to destroy the greatest gift of heaven, to overturn the mind. Let me, I pray, My Lord, forget these disasters, by meeting with your Lordship's favour! Let me not experience greater injustice than Mr. Ingram and Mr. Parker! Is it because I have shewn more forbearance, that this poor

pittance is thus withheld from me? I have studied nothing so much as forbearance throughout, since my return home, I have been solicited to give these details to the public, and am even offered a Guarantee to bring the subject in point before a Jury. My Lord, I am only desirous of tranquility, I have no wish to become conspicuous in so unpleasant a matter, but would much rather prefer to throw the merits of my peculiar case upon the liberal consideration of His Majesty's Government; finally, I entreat Your Lordship to spare me the pain of any other appeal than to the feeling and authority of your Lordship, that I may receive at *your hands* what, I am sure you can merely regard, an act of common justice. I have &c.

(Signed) THOS. WILLSON.

[Copy.]

Memorial of MR. JOHN PRINGLE.

To His Excellency General Lord Charles Henry Somerset,
Governor and Commander in Chief, &c., &c., &c.

The Memorial of John Pringle Humbly Sheweth!

That Memorialist having arrived in this Colony in the year 1820, with a party from Scotland, occupied his share of the Location (as a single Individual) situated on the Baviaan's River, but was induced by the failure of two successive Crops to accept the Situation of Second Assistant on the Colonial Government Establishment at Somerset. That Memorialist being now married with the prospect of an increasing family and in the uncertainty of the continuance of that Establishment, is anxious as to his future subsistence, for which his location is incapable of affording adequate means.

Memorialist therefore humbly requests Your Excellency will be pleased to grant him such a portion of Land as your Excellency may deem proper, at or near the place commonly called Jalousa's Kraal on the Mancazana River, a short way above its junction with the Koenap, and situated N.E. of the request place called

Thornkloof, or if that spot be already disposed of, an allotment near the head of the River, adjacent to Memorialist's location: that Memorialist can produce the highest recommendations from Mr. Hart of his conduct and services since his connexion with the Somerset Farm. May it please your Excellency to grant this petition,

And Memorialist shall ever pray, &c., &c.

(Signed) JOHN PRINGLE.

SOMERSET, *April 5th* 1823.

[Copy.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *8th April* 1823.

My Lord,—It has been some time in my contemplation to address your Lordship on the state of the small currency in this Colony, which consisting solely of paper rapidly deteriorates, is much exposed to be counterfeited, and requires renewing so frequently as to be matter of constant inconvenience; the great want of small money which is now felt in the frontier District has made it necessary not longer to delay bringing this subject to your Lordship's notice and to solicit your Lordship to authorize a small proportion of copper coin in pence and halfpence to be struck for the use of this colony.

I would wish to suggest to your Lordship that copper coin to the amount of £2000 be sent out in £500 worth of penny pieces, and £1500 worth of halfpenny pieces, giving the coinage as large a surface as possible consistent with its solidity. A copper coinage to a very limited amount was issued here under a former administration, consisting solely in penny pieces, and this has proved most serviceable and durable. I beg also to submit that £1000 worth of silver pieces of the intrinsic value of about tenpence English be likewise sent out, and a like amount of smaller pieces, of about the value of five pence English, these should be mixed with such a proportion of alloy as to render them sufficiently large and proper to pass in Colonial currency at four and two skillings respectively,

so that it may not be worth any person's while to collect them for exportation.

Should your Lordship do me the honour to approve this suggestion, I beg further to propose that the Commissary General on this station be directed to receive from the Colonial Treasury the amount of this coinage, which will reduce the amount of bills which that department has to draw upon the Lords Commissioners of His Majesty's Treasury. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Memorial of Inhabitants of Grahamstown.

To His Excellency the Right Honourable General Lord Charles Henry Somerset, Commander in Chief, &c., &c., &c.

The Memorial of the undersigned Inhabitants of Graham's Town most humbly sheweth

That your Memorialists came to this Colony as Settlers in different Parties.

In consequence of a recent Proclamation your Memorialists are called upon to take an Oath to which they cannot acquiesce.

Your Memorialists trust your Excellency will not from this circumstance consider them as disloyal Subjects; they have carefully considered it, and are anxious to testify their loyalty in any way which does not interfere with their personal liberty, but they cannot divest themselves of the idea that after taking that Oath they are bound under the Martial Law equally with any Private in His Majesty's Regiments.

Your Memorialists beg leave to state that they are ready to take the Oath of Allegiance to enrol themselves as a Corps under the Command of any person Your Excellency may think proper to appoint, learn the Exercise and act whenever their Services should be required.

Your Memorialists trust that this open avowal of their Sentiments will remove from Your Excellency's mind any unfavorable

impression which a representation of their non compliance with the Oath might occasion.

And Your Memorialists will as in duty bound ever pray.

Graham's Town, 8th April 1823.

(Signed)	John Beale	James Mundell
	Thomas Nelson	Stephen Denham
	Richard Tainton	James Wright
	Ralph Goddard	Thomas Bowker
	John Strand	Alfred Warrington
	Joseph Painter	Edward Thearsley
	Robert Horton	Robert Bagshaw
	Wm. Thackeray	John C. Wright
	John Francis Cornfield	Thomas Robinson
	William Eales	John Saunders
	John Milton	Charles Penny
	Robert Godfrey	Wm. Penny
	Richard Freemantle	Richard Bland
	Robert Stock	J. Evans
	Perceval Frayne	G. Hodges
	Samuel Field	Wm. Bear
	William Sergeant	C. B. Pearse, Junior
	Robert Brady	John Chipperfield
	James Rathbone	Wm. Wade
	S. Haw	Isaac Purcell
	James Howse	John Bradford
	George Duffield	Henry Marshall
	James Leany	John Holland
	John Biggs	Robert Wilde
	John Ralph	James Jubber
	George Shelland	Thomas Faucutt
	W. C. Hobson	James Robinson
	Charles Chulks	Robert Rayner.

[Office Copy.]

Letter from R. WILMOT, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 9th April 1823.

My Lord,—Major General Pigot having made application to Earl Bathurst that his brother Mr. George Pigot now settled in the district of Albany, might receive a small Grant of Land for the purpose of building a House in Grahams town; I am directed to submit the Major General's request to your Lordship's favourable Consideration. I have &c.

(Signed) R. WILMOT.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 9th April 1823.

SIR,—Having submitted to His Excellency the Governor your letter of the 21st Ultimo stating that there are no objections to the Land petitioned for by Walter Currie being ceded to him, I am directed to acquaint you that His Excellency has been pleased to approve thereof, and to desire that the usual Report and Diagram may be sent up. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from T. P. COURTENAY, ESQRE., to ROBERT WILMOT, ESQRE.

ABINGDON STREET, April 14th 1823.

SIR,—In pursuance of Earl Bathurst's instructions conveyed in your letter of the 26th Ultimo, I have communicated with the department of His Royal Highness the Commander in Chief, and

have already received the Sum of £2035 on account of the Sale of Commissions in the Cape Corps.

Previously to taking steps for remitting this Money to the Colony, I am desirous of submitting to Lord Bathurst the following Considerations.

I have on former occasions, and particularly in a letter addressed on the 15th November 1817 to Mr. Goulburn, represented to Lord Bathurst the desirableness of excluding from the Public Accounts of Great Britain presented to Parliament, charges connected with the colony. The statement of such charges producing an erroneous impression as to the degree in which the Colony is burthensome to the mother country; and this impression is not sufficiently counter-acted by the Explanations which may be given of the nature of the transactions between the Commissariat and the Colonial Government, referred to in my letter of the 24th November 1817, and Mr. Goulburn's of the 2nd December following.

The Governor, I believe, entertains a view of this subject similar to mine, and has accordingly continued to make remittances, intended to cover all Colonial expenses incurred in England; but these remittances (tho' I have from time to time sent Estimates of my wants) have been insufficient, and I have been under the necessity of making frequent applications for Issues of Money from the English Treasury. The present receipt of Money on account of the Colonial Government appears to me to furnish an opportunity of obviating this necessity for at least the present year, after which an Instruction from Lord Bathurst to the Governor to be regular in his remittances, might ensure the same object for the future.

I would therefore submit to Lord Bathurst the propriety of authorizing me to retain in England so much of the expected receipt on account of the Commissions as may be sufficient to repay to the Pay Master General the Sum (£2000) which I have already received from him in the present year, and to provide according to the accompanying Estimate for the demands which will probably be made upon me within the Year. The remainder may, if Lord Bathurst shall think fit, be remitted to the Cape; but in this part of the subject I would also submit to His Lordship that I am not aware of any mode of remittance the state of the two Countries points out except that of Bills drawn on me from the Cape, and that it might therefore perhaps be more expedient either that I

should make a further repayment to the Paymaster General in reduction of the debt due from the Colony (if it have not, as I apprehend it has not, been already cleared at the Cape) or that I should make the payment to the commissariat department here, receiving from that Department a Bill or Credit upon the Commissary at the Cape, which Bill or Credit would be forwarded to the Colonial Government. I have &c.

(Signed) THOS. P. COURTENAY.

[Enclosure.]

Estimate of the demands which will probably be made upon Mr. Courtenay on account of the Cape of Good Hope within the year 1823.

	£
Civil Pay	500
Colonial Auditors	1,600
Pensions	600
Agent's Salary	600
Military Pay	1,000
Arms	1,200
Clothing	700
Extraordinary	500
	<hr/>
	6,700
	<hr/>

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 14th April 1823.

Sir,—I have the honor to acknowledge the receipt of your Letter of the 7th October last stating that His Excellency the Governor had approved the details and arrangements proposed for embodying a proportion of the Albany District with a view to enable them more effectually to resist the Caffer incursions, and to put a stop

to their Robberies, and I have the honor to state that the Provisions and directions contained in His Excellency's Proclamation of the 4th October which have been received with general satisfaction and adopted with great readiness, have been accordingly carried into effect. I have the honor to forward Muster Rolls of the two mounted Troops, and of the Five Divisions of Infantry, and to request His Excellency's Sanction of the appointment of the undermentioned Persons as Lieutenants of Divisions, and of Mr. George Dyason as Adjutant of the Levy, viz :

First or Graham's Town Troop,	Mr. John Willis
Second or Bathurst Do.	Lieut. Chas. Crause
First Division of Infantry,	Mr. Wm. Austin
Second Do.	Do. Lieut. Gilfillan
Third Do.	Do. Capt. H. Crause
Fourth Do.	Do. Lieut. John Crause
Fifth Do.	Do.

The Infantry have been supplied with Muskets and the Cavalry with Carbines to the extent of which they have been furnished, and I am to request a further supply of Forty stand of Carbines.

I have effected the enrolment by the attendance of myself and the Heemraden Bowker and Austin at the several Locations in order to prevent the inconvenience to many individuals of quitting their Homes, and I have subsequently required a general Muster (by public notice) of those who had not been enrolled and attested in this way. Many attended this Muster claiming exemption on account of bad health or infirmity which I have invariably granted on the Certificate of the District Surgeon; and others stating their desire and readiness to be enrolled and to serve, but objecting for various reasons to take the prescribed oath.

I have reported the names of those Persons, and of those who did not attend, to the Board of Landdrost and Heemraden to inquire into the respective cases agreeably to the Provisions of the Proclamation.

The two Troops and the Divisions of Infantry have had several Musters at their respective places of Assembly, which have been well attended, and I shall shortly appoint a general Muster. I have had frequent communications with the commandant on the Frontier and the Superintendant of Signal Posts, respecting the

establishment of signals and of Posts of Alarm and assembly, and I hope to be able shortly, in concert with these Officers, to carry that part of the arrangement into effect. I have &c.

(Signed) HARRY RIVERS.

P. S. I have not issued arms to those who have not taken the oath.

[Copy.]

Petition of MR. WILLIAM PARKER to the House of Commons.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

The Humble Petition of William Parker, Most respectfully sheweth,

That your Petitioner, with all humility referring your Honourable House to his Petition of the 3rd inst., begs leave distinctly to state, that in consequence of his being well acquainted with the conduct of the Romish priesthood in Ireland, when Lieut. Colonel Bird, the Colonial Secretary at the Cape, expressed his astonishment at your Petitioner not having taken with his party an individual of that profession, he did declare to Colonel Bird his antipathy to popery, the spiritual domination and tyranny of the Church of Rome being one of the darkest features which the national picture of Ireland exhibits.

That this declaration of your Petitioner to the Colonial Secretary was visited by him with a series of the most deceitful oppression, peculiar only to the insidious practices of the Jesuits. That when your Honourable House shall be pleased to consider, that there is nothing definite, or permanent, in the institute of the Jesuits, but that they can change it at pleasure, and give it the particular character which suits their own purpose, there must be a great difficulty in substantiating the charge of Jesuitism in any particular individual. That by the Constitution of the Order, the Jesuits can change their forms and their laws as it suits their

interest. Therefore, when these facts are taken into consideration, and when the members of a Society so notoriously dangerous as the Jesuits, are bound by no laws, human or divine, except those of their own framing, and which may be known by reference to the *Secreta Monita Societatis Jesu*, your Petitioner hopes that your Honourable House will be disposed to receive this statement of facts, with that consideration which the circumstances of the case embolden him to claim.

That your Petitioner most respectfully submits, that effects of existing evils should be traced to their cause, and that, therefore, he is justified in stating, that the Colonial Secretary, seeing the danger of his principles being exposed, which were so ruinous to the Protestant inhabitants of the Cape of Good Hope, employed against your Petitioner all the influence which he possessed from his official authority, accompanied by falsehood, by public imprecations of the priest, from the pulpit of the temporary popish chapel at Cape Town, against your Petitioner, and by slander.

That your Petitioner submits, that from this conduct of the Colonial Secretary arose the length of his correspondence with the Colonial Department, as it was necessary for your Petitioner, as far as in his power lay, to expose the arts of the Jesuits at the Cape, in all their ramifications, and he has therefore good reason to suppose, that if your Honourable House should be pleased to call for papers, that the darkness which has so long obscured the affairs of that Colony will be removed, and that the iniquitous alienation of the public lands, and public revenues, will be clearly developed.

That your Petitioner with all humility submits, that it is necessary to state instances of Lieut. Colonel Bird's hostility to the Protestant religion, which he can substantiate by oral, written and circumstantial evidence.

First. His opposition to the erection of a church at Cape Town, for the English inhabitants, as appears in the 14th number of the *Christian Remembrancer*, an authority respected by every true member of the Church of England, being a work countenanced by the Protestant Hierarchy.

Secondly. His having caused a proclamation of the Roman Catholic Priest, the Revd. P. Scully, who proved himself a Jesuit by his Conduct, to be inserted in the *Cape Town Gazette* of the 12th February 1820, announcing that the Roman Catholic religion,

with all its rites was permitted in the Colony, by the British Government, contrary to the fundamental laws of the Settlement.

Thirdly. That ground was refused to Protestant Commissions for the erection of Chapels, refused for a church for the Established Religion of England, whilst it was granted for a Roman Catholic chapel.

Fourthly. That a large sum of money was appropriated by the Colonial Government for the erection of the chapel, the priest being endowed with an annual salary, and the protestant library placed under his charge, with a considerable allowance; and that on the table of the library a crucifix was exhibited, which was left there by the priest, and marked with the family name of the Colonial Secretary.

Fifthly. That the Colonial Secretary appropriated a large room in his house, at Liesbeek Cottage, for the celebration of mass, in which a Roman Catholic bishop, and a numerous body of priests, officiated.

Sixthly. That the Colonial Secretary presented to the Chapel six massive candlesticks, with wax tapers, for parading the host; that he subscribed 1000 rix dollars, as his first subscription to the Chapel, having only 50 affixed to his name in the *Gazette*, and that he nominated, in his own handwriting, (assuming the direction and generalship of the Order) the Committee for the chapel, the names of which are published in the Government Court Calendar of the Cape for the year 1821.

Seventhly. That the officiating Priest, undoubtedly with the sanction of Colonel Bird commenced divorcing husbands from their wives, and that two respectable women at Cape Town stated an instance of this namely, a Sergeant O'Mullane and his wife, of the 38th Regiment, which fact was confirmed by the admission of the Major commanding the regiment, and by two Captains thereof, and subsequently admitted by the said Major to the Governor, Lord Charles Somerset, and that the priest exacted the fee of 50 rix dollars, which he was obliged to return to the Sergeant, when the Major promised that, in consideration of his youth and inexperience, he would not institute proceedings against him.

Eighthly. That your Petitioner is credibly informed, three Roman Catholics, relatives or friends of Colonel Bird, were

appointed Landdrosts of Districts, and political Commissioners over the Reformed Churches to the great annoyance of the Protestant inhabitants.

Ninthly. That when his present Majesty's most excellent Proclamation of the 12th February, 1829, for the maintenance of true religion, and the suppression of vice, reached the Colony in the *London Gazette*, it was treated by the Colonial Secretary with the most criminal neglect, in violation of the strong injunctions of his most gracious Majesty, and his Council.

Tenthly. That when the unfortunate English settlers groaned under the most oppressive tyranny, the right of complaint was officially denied, and a Proclamation appeared, preventing their assembling to Petition for redress in violation of every principle of liberty, and with a despotism ill suited to the benignant spirit of British Government.

That your Petitioner having ascertained all these important facts, waited on His Excellency, Lord Charles Somerset; and a general indignation prevailing in the Colony against the Conduct of Colonel Bird, five individuals, three of whom were most respectable, offered to substantiate most of these allegations by oath, before the Governor and the Chief Justice; but that His Excellency always declined interfering, referring your Petitioner to the Colonial Department in London.

That your Petitioner accidentally heard at the Cape, that Colonel Bird was brother to the Jesuit priest at Preston, in Lancashire, as the said priest offered letters of recommendation to a gentleman, for his son, a merchant at the Cape, to his (the Jesuit Priest's) brother, which letters the son declined accepting, detesting the principles and conduct of Colonel Bird; that this information led to inquiry, since your Petitioner's return to England, and that this important fact is fully confirmed, and not denied by the proper authorities. That your Petitioner for the present totally forbears imploring your Honourable House for relief for the ills he and his large family have personally suffered, as he considers that he has first a most imperious duty to perform, to his God and to his country, in proving the truth of his allegations, and exhibiting, at this awful crisis, the dangers of popery in Government to Protestants, from the living example of Colonel Bird's conduct, as Secretary at the Cape of Good Hope, where he was, in fact, the maker and expounder of the laws to Protestants.

That in regard to the practices of the Jesuits in Great Britain and Ireland, your Petitioner respectfully submits, that when your Honourable House shall be pleased to appoint a committee, a mass of evidence will come before them, that will more than prove the existence of numerous establishments of this dangerous order, and that they have adopted, and are adopting, the most influential measures for promoting their design of extirpating the Reformed Religion.

That your Petitioner most earnestly submits these important facts to your Honourable House, and implores that inquiry which appears to him to be so necessary for the due protection of the Protestant Religion, and the inviolability of the British Constitution, and your Petitioner will ever pray.

LONDON, 14th April 1823.

[Printed Pamphlet.]

The Jesuits unmasked; being An illustration of the existing evils of Popery in a Protestant Government, duly exemplified in Letters from the Cape of Good Hope, where the English Settlers have been exposed to great distress and oppression from the practices and influence of Popish Emissaries; and where a deep-laid plan, originating at the Jesuits Institution at Stonyhurst, in Lancashire, of extirpating Protestantism, had commenced. By William Parker. London: Published by L. W. Seeley and Son; Hatchard and Son; Rivington; Richardson; and Sams. 1823.

To SIR THOMAS BUCKLER LETHBRIDGE, Bart. Member of Parliament for the County of Somerset.

MY DEAR SIR,—When every day brings the most unfavourable accounts from Ireland; when the Popish Clergy in my unfortunate country no longer dissemble, but proclaim from the Altar, and through the Press, open hostility against every Protestant Institution, and against the only Index which Revelation has given us of the Truths of Religion, and while Popery has actually become dominant in Ireland, sweeping all before it with the besom of desolation, Protestants are appalled, and afraid to defend their

Religion and their Country from the unhallowed hand of priestly despotism.

In this truly dismal era of the History of Ireland, you have, with a spirit peculiar to a firm British Protestant, boldly stood forward, on the 5th Inst. to expose, in Parliament, the real evils of my country—the Jesuits, their doctrines, and their practices.

If these insidious men have wormed themselves into the Councils of Continental Monarchs; if, under pretence of supporting and propagating Religion, they raise the Cross, and trample the revealed Word of God under foot; if, by leading Armies of the Faith, they commence a second crusade, in the nineteenth century, and carry terror and murder into the country of their neighbours, attempting to restore her ancient Institutions, the worship of Graven Images, and the Inquisition, we, Protestants in Great Britain, forget the character of our Ancestors, when we allow Ireland to fall under such horrible artifices.

In the Popish Counties of the Sister Island, the Roman Catholic Priests have become the most prominent political characters, totally forgetting the humility and doctrine of our Saviour. Disaffection has been followed with open acts of rebellion, and by a system of co-operation, which proves that the Jesuits have exercised, in a very extensive manner, their wonted practices.

Amidst this political, nay this religious gloom, the parent of despair, the reflecting mind turns, with hope, to the most influential pillar of the State in the House of Lords. It looks to His Royal Highness the Duke of York, as the strong supporter of Protestant Ascendancy, that great bulwark of Civil and Religious Liberty. His Royal Highness, as the first Subject in this still happy land, is, from his exalted rank, placed in a situation of peculiar delicacy. However, the British Nation again relies, with unabated confidence, on the firmness of his Royal Highness, should the Bill for granting political power to Roman Catholics, and thus violating the Constitution, pass the House of Commons, in which you have, on so many occasions, proved yourself one of its firmest members, returned, for many Sessions, by the unanimous voice of the Protestant Electors of the Protestant County of Somerset. These considerations, added to the zeal and firmness displayed by you on presenting my Petition, induce me to avail myself of your permission to dedicate

the following pages to you ; of expressing my obligations, and the respect and esteem with which I have the honour &c.

(Signed) WILLIAM PARKER.

LONDON, 14th April, 1823.

Introduction to the Jesuits Unmasked.

The writer of the following pages, living in the greatest solitude in South Africa, ventured to act, even under the despotic influence of a Jesuit, as every loyal British subject should, and brought the charges against the Colonial Secretary Lieut. Col. Christopher Bird in a tangible shape, before Lord Charles Somerset, on his Excellency's resuming the Government of South Africa. As the Acting Governor, Sir Rufane Donkin, was accessible only to a few of his fawning flatterers, or the creatures of the Colonial Secretary, the writer was obliged to wait, with great patience, the long wished for return of Lord Charles Somerset. To his lordship's sound constitutional firmness, he is much indebted : easy of access, even to the humblest individual, His Excellency did alleviate, with great willingness and humanity, the numerous difficulties he found had oppressed the Colony, and which had originated during his absence. On his return he was importuned from every quarter, by the clamours of wide-extending distress, deeply aggravated by a general famine in the Colony, a famine which affected the wealthiest, and made the necessities of the distressed, the oppressed, and insulted settlers, peculiarly severe.

During the writer's residence in South Africa, he received several communications from Ireland, which indicated that the insurrection in that unfortunate country arose from the frenzy of persecution against everything Protestant, fanned into a religious flame by the insidious practices of the Jesuits. In corroboration of this fact, the prophecy of Pastorini, written by the celebrated Doctor Walmsley who was well known to be a Jesuit, was widely circulated among the Roman Catholic population, through the instrumentality of the College at Maynooth, an institution largely endowed and supported by annual grants of a British Parliament. Thus has a Legislature strictly Protestant in its constitution, its genius, and its spirit, at an unlucky moment of liberality fixed, in the centre of Ireland, the hot-bed of popery, superstition, idolatry,

despotism, and priestly tyranny. This hot-bed speedily produced luxuriant plants, which took deep root, choaking with their briers and brambles the weak and tender scions of the blessed Reformation, the influence of which was not brought into action, except in the northern counties of Ireland.

In the provinces of Munster and Connaught, Popery has assumed the *imperium in imperio*, and the priests have not only supplanted the high sheriffs, as returning officers at the elections of Members of Parliament, but they have become the local legislators, making the *lex loci* of Marshal Rock, the law of the land. The knowledge of this total perversion of every principle of the British Constitution, added to the undenied fact of a Roman Catholic, educated at Liege and Stonyhurst as a Jesuit, absolutely governing the protestant colony of the Cape of Good Hope, determined the writer to return to London, and to bring the subject, in as efficient a manner as possible, before Parliament.

The people of England, apparently do not know why the deluded Irish peasantry should take arms against the Protestants, under the orders of the assumed Marshal Rock,—for this name is only a pass-word among them, given by their priests. It is deduced from the perversion which popery has given to the 18th verse of the 16th chapter of St. Matthew, where our Saviour stated, “And I say also unto thee, that thou art Peter, and upon this ROCK I will build my church; and the gates of hell shall not prevail against it.” Rock, therefore, is the religious term the deluded papists in Ireland give to the supposed chief under whom they fight. This gives *the same colouring* to the atrocities now committing in Ireland, as the present crusade of the Army of the Faith in Spain, and of the Bourbons, against the liberties of the Spanish nation; so that in fact, the attack against the Spaniards, and the present persecutions of the protestants in Ireland, are both parts of the grand scheme originally hatched in Paris and Rome, after the Pope had been re-established by British valour, and by the blood of British heroes, as the temporal monarch of the papal dominions, and the spiritual chief of the Romish Church. The first act of the Pope was to re-establish the Inquisition in all countries where his influence was most extensive; and the Jesuits as the principal inquisitors. This fact was eloquently asserted by M. Colon, the Secretary to the Spanish Legation, at the public dinner at the London Tavern, to be the cause of Spanish thralldom.

Now the writer is well prepared to prove, that Jesuitism in the Government of South Africa has been the cause of the thralldom of that unhappy colony, and he is in possession of many facts from Ireland, as is a very worthy English member of Parliament, which when submitted to the House of Commons, will prove that the Jesuits, not satisfied with attempting "to efface every moral vestige of Britons from the soil of Iberia, and to excite virulent animosity against her liberators, by rousing and sanctioning popular prejudices of the most baneful and inhospitable kind," have extended their designs to the fruitful soil of Hibernia, the southern counties of which they have now made a land of desolation. A gentleman in the House of Commons on the 5th March, 1823, preferring ridicule to argument, said, that the writer of these pages had attributed the failure, for two seasons, in the Crops of South Africa, to the Jesuitism of its Colonial Secretary. This assertion is most pointedly denied. But even had the writer used the expression, he would have had the high authority of Mr. Wilberforce, from analogy, to do so; who, in his celebrated speech in the House of Commons, on the 1st of March, 1799, on the abolition of the *Slave Trade*, said, "He did not, indeed, expect that the intervention of Providence would be marked by hurricanes and earthquakes; but there was an established order of things, a course of events, a sure connexion between vice and misery, which, through the operation of natural causes, worked the Divine Will, and vindicated the moral government of the Supreme Disposer of all human events." There are, thank God, many like Mr. Wilberforce to be found, who, placing implicit confidence in the Divine Being, know, that "He alone can give rain and fruitful seasons, and that fruitful lands He maketh barren, for the wickedness of them that dwell therein." But these are sentiments which seldom actuate the conduct of Jesuits. The deluded and insulted settlers in South Africa, have been taught an humble but useful lesson. But great as their afflictions have been, they know that God "is plenteous in goodness and mercy, and will yet shine forth for them in all the plenitude of his Divine bounty." The case of the settlers in South Africa has been peculiarly hard. They have been treated with Egyptian bondage: they have been doomed to cultivate lands incapable of cultivation,—"the parched and salt land in the wilderness, and not inhabited;" they have been placed in the neighbourhood of *ill-used* savages, accustomed to live on the

scantiest fare, and to constant warfare with their neighbours; by savages galled to the heart from the deceit practised on them through Cape Dutch villainy, under the powerful protection of Jesuitism. To such a country, and to such agents of the British Government, were thousands of His Majesty's loyal people consigned, in an ill-fated moment. The voice of complaint, unhappily, has not as yet reached London, in an effective manner, arbitrary power having *forbid it*, as can be proved by an official letter of the 11th of October, 1820, addressed to the writer, while a public proclamation of the 24th May, 1822, prohibited the settlers assembling to petition the English government for redress.

One of the most respectable settlers in Albany, in a letter dated 3rd December last, which appeared in the *Morning Herald* of the 2nd April, 1823, says :

“My last was dated the 18th Nov. in which I gave you an account of the depredations of the Caffres up to that period. The plot thickens hourly, and loss of crops and cattle are become minor considerations. Abandonment of our farms is almost decided upon, and total ruin stares us in the face. Hottentot deserters have come in from Caffre Land with certain accounts, which are corroborated in some degree by the Missionary who resides at the Tumee (Gika's abode). I shall endeavour to give you a clear account, divested of all the embellishments with which such relations are usually accompanied. Gika, after the unsuccessful attempt made to seize him, went amongst the other tribes, and it was apparent they were become more united than they used to be. Whatever accounts were received, were seldom promulgated among civilians. Until yesterday all was vague rumour, and now only has the head of the Civil Power obtained a hearing of the result of the examination of the deserters. These men state that the Caffres have for some time dreaded our revenging the numerous attacks made upon us, and expecting a retaliation, they have concentrated themselves. Within a circumference of ten miles, above 60,000 souls, with their cattle, are supposed to be collected. In an assembly of their chiefs, Gika said that Commandant Scott had demanded all the runaway slaves and Hottentots who had gone over to them. He proposed to each Chief separately to give his opinion whether they should or not. They each replied in the negative, which, of course, greatly pleased the deserters, who all attended; Gika added that he should no longer obey any of Commandant Scott's orders, and if he wanted anything he must come himself. A conversation then followed as to their plan, if we should come in, and it seemed to be the general opinion, that if we came with a small force they would defend themselves, if with a large one, they would give way and attempt an invasion of our territory whilst we were busy taking their cattle; that they should attack and burn Graham's town, and if they succeeded in that, they had no doubt we should desert the country of the Zurevelt, (Albany), and they would repossess themselves of it. T'Sambi (Gika's uncle) is said to have proposed that they should follow a

different plan to what they did three years ago, and make the attack by night instead of day. The deserters were asked why they came back, as they had promise of protection? to this they replied, that they were sure we should resent this conduct of Gika's, and dreading the effect of British guns, they decided on making their peace, by delivering themselves up. In corroboration of all this, Mr. Thompson, the Missionary I before alluded to, and who also receives a salary as a Government Resident, or spy, has written in to say, that he has ascertained that the Caffres were to have had a meeting, and that as soon as he hears the result, he shall communicate it. Colonel Scott, on the day after he received this intelligence, set off for Fort Wilshire, in order to learn further particulars. I must state to you that the 6th Regiment is as fine a one as any in the British service, and in civilized warfare, if I may so express myself, I should have the utmost reliance on them, but with the skulking, bush-fighting Caffres they are unacquainted, having been only a few months on the frontiers. I do not wish to alarm you too much, at the same time you will blame me if I do not tell the truth, and prepare you in some degree for the result. You will participate with us in feelings of indignation at the temporizing conduct of the Governor or Secretary, or whoever it may prove to be, who, by these means, has reduced us to such an extremity. Surely our cries will at length reach home, and the united voices of our still fond remembering relations will obtain for us retribution for the past, or, if the worst should happen, vengeance to our manes. The military appear to treat all this information with contempt; but the old inhabitants are in the utmost alarm; they have had too much experience of this cunning and treacherous foe, and many have to lament the loss of friends and relations. It is only by degrees that we learn the full extent and danger of our situation. Will you believe it, that until our arrival, the Dutch were offered many advantages if they would reside in this part of the colony—nay, within one hundred miles of it; and some at that distance were found bold enough, and now hold their lands under these conditions? With such a knowledge, was it prudent to reduce our military protection to one-third of the military force allotted to this colony by the mother country, and the remaining two-thirds to be kept for parade and idle show at Cape Town?

Dec. 8. When I wrote to you on the 29th, I little thought the dénouement was so near at hand. To avoid the worst consequences flight appears to be the only alternative. Colonel Scott is just come in, but nothing further transpires."

The above extracts were not fabricated in London, to fill the columns of a newspaper: they were written by a gentleman of the best information, with a large and amiable family, and as loyal a subject as His Majesty has. The settler in Albany does not separate the effects from the cause. He attributes it to the local authorities at the Cape. Of Lord Charles Somerset, the writer hereof would speak with every degree of respect. But Governors, as his Lordship's noble predecessor, lord Howden, has stated, are but fallible men, and the Governors of the Cape of Good Hope

are too uncontrolled in their power. Surrounded with every luxury and comfort, they know but little of the misery the settlers on the eastern frontiers experience. Perfectly safe from the attacks of the Caffres by day or night, they repose in all the splendour of Eastern magnificence. Let the crops be ever so scanty, they do not feel any deficiency in their food, or the want of bread or rice to feed their helpless infants. Too frequently ill-advised, and surrounded by individuals intent on their own personal aggrandizement, truth is withheld from them, and they are led into the most fatal errors. But when Governors at the Cape, influenced by Jesuitical wiles, have been made to act on the principle that "the end justifies the means," it is not surprising that the English Protestant settlers in South Africa have been exposed to the risk of extirpation, that being one of the apparent objects of the Jesuits, from the use they have made in Ireland of Pastorini's prophecy.

It is scarcely credible, that in the nineteenth century of the Christian era, petitions should flow into the House of Commons, entirely composed of protestant members, against the influence of the Jesuits in the British dominions, a sect not tolerated by any law, and against whom the proclamation of James the First, in 1604, still carries with it the force of law. The present Pope was too Jesuitically advised to extend his Bull for the restoration of the Order to England and Ireland. He knew that John Bull was sufficiently unsuspecting, as our wise ministers in 1793 and 1794, gave the greatest encouragement to the Jesuits by allowing them to remove their celebrated establishment from Liege to Stonyhurst, in Lancashire, and by supporting thousands of Emigrant Priests at the public expense, even at the Royal Palace at Winchester. These emissaries of the Church of Rome, among whom there were many Jesuits, according to Doctor North, Bishop of Winchester, were not the *inactive agents* of Popery in England. Considering gratitude to a Protestant State which supported them, a minor virtue to *zeal for their Religion*, the French Refugee Clergy publicly made converts to Popery in many parts of England, and to their introduction may be attributed the alarming increase of popery in Great Britain, an increase which, had it happened in the most glorious era of British history, would have made our wise forefathers act with that wisdom and firmness for which they were so illustrious.

If in these days of false liberality any Roman Catholic renounces

the errors of the Church of Rome, or even shows a wish to do so, that person is either persecuted or insulted, two extraordinary instances of which have been recorded, and can be supported by the testimonies of the Rev. Mr. Adamson, curate of St. Paul's parish, in Dublin, and by the Rev. John Fitzgibbon, of Saint John's parish, Limerick; for the particulars of which reference is made to Appendix No. 2.

Yet so delicately do the Roman Catholic clergy consider the liberty of conscience when it affects the interests of their Church, that, as stated in page 27, they can pervert, with impunity, protestants from the Established Religion of the State. Now these very important facts, of recent occurrence, display *the true spirit* of the Church of Rome, and the *culpable indifference by which the guardians of the Reformed Religion are actuated*.

These circumstances, added to the strong mental impressions arising from the peculiar sufferings of the writer's family in South Africa, from the wiles of a Jesuit, and the apparent deficiency of correct information, even by Irish Members, on Irish affairs, in the House of Commons, induced the writer to submit the following petition to the Honourable House, through the truly independent Member for Somersetshire, on the 5th March. The nature of this Petition has been much misunderstood, as was the speech delivered on that occasion by the Hon. C. Hutchinson.

That active and intelligent Member for the City of Cork, was unprepared to give any opinion respecting the existence of Jesuits in Ireland. But, did he reside more than what he does among his constituents, he would find that even some of these very men were Jesuit Priests. Since His Petition was presented, the important fact was publicly asserted by a Clergyman of the Established Church, at the Adelphi Bible Society, that the Jesuit Priests who attended the Gaols and Convict Depot, in Cork, counteracted all the exertions of the Friends of the Bible, when they attempted to impress on the unhappy Prisoners the great value of Religious knowledge. The Bible was torn from the unfortunate Felons, by these Jesuitical Priests, acting by the order of the Pontiff, who continues the exercise not only of spiritual, but temporal power in Ireland, as there is a special Committee of Cardinals always engaged in Rome for Irish affairs.

First Petition.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

The humble Petition of William Parker, late of the City of Cork, who proceeded at the Head of a party of settlers, under the parliamentary grant of 1819, to the Cape of Good Hope,

Most respectfully sheweth,

That your Petitioner being for many years seriously impressed with the idea, that through some unaccountable and mysterious policy, encouragement has not been, nor is given, to faithful representations of the real causes of the calamities of his unfortunate country, begs leave, with all due humility, to submit to your Honourable House, that in his opinion these calamities have arisen from the very secret and insidious practices of the Jesuits, a political sect of religious enthusiasts, founded by the Pope Paul 3rd, to counteract the glorious blessings of the Reformation, which, in 1517, commenced to dawn on mankind, through the fearless Luther.

That the history of the Jesuits proves their general hostility to every zealous protestant, and particularly to every monarch, whether protestant or Roman Catholic, who loved his people, who revered his God according to the principles of the Gospel, and who respected his fellow creatures as human beings.

That, however zealous "the Jesuits may have been in promoting knowledge among mankind, that knowledge, according to the eminent historian Hume, which should have been the effectual remedy against superstition, was turned into a nourishment of that infirmity; and as their erudition was chiefly of the ecclesiastical and scholastic kind, they were only the more enabled, by that acquisition, to refine away the plainest dictates of morality, and to erect a regular system of casuistry, by which prevarication, perjury, and every crime when it served their ghostly purposes, might be justified and defended."

That your Petitioner, when Notices have been given, in your Honourable House, respecting the Orange Associations, for next Tuesday, feels called on to state, with the most profound respect, that as these most loyal and constitutional Societies were founded

for the protection of the great blessings conferred on this nation by King William the Third, of glorious and never-fading memory, he, your Petitioner, humbly hopes, that your Honourable House will institute inquiry, either by the examination of evidence at the bar of your Honourable House, or before a select Committee, into the practices and baneful influence of the Jesuits, not only in the United Kingdom, but in the Colonies.

That your Petitioner never was an associated Orangeman, although earnestly solicited, during the rebellions in Ireland in 1798 and 1803, to become such, by many respectable individuals, that he may be the more aidant in counteracting the truly pernicious influence of the Roman Catholic clergy, which the page of history records has been the political and moral poison of Ireland, and which fact is fully confirmed in the State of Ireland lately published, and written by a most philanthropic individual, Mr. Robert Steven.

That your Petitioner always declined, much as he respected the principles of the Orange Institutions, becoming a member of any of them, as he ever considered that associations which embraced a large mass of the lower orders of society are not calculated for the peace and prosperity of any country. That, however, notwithstanding this the private opinion of your Petitioner, he most humbly submits that the safety of the Protestant religion indispensably requires, that its enemies in Ireland should be rendered innoxious before any harsh measures be taken by your Honourable House against its able and conscientious, although perhaps mistaken, supporters.

That your Petitioner most respectfully solicits the reference of your Honourable House to the Bull of the present Pope Pius, dated the 7th August, 1814, for the re-establishment of the order of Jesuits. In it will be found, that the late emperor of Russia, Paul 1st, and the present king of Spain, Ferdinand, monarchs whose conduct and bigotry are well known, were the immediate cause of the restoration of the order in Russia and Spain, and of the Inquisition, as its powerful instrument, in the latter country.

The Pope states, "that the pious wishes of these illustrious monarchs stimulated him to restore the order, as the Jesuits were instructors most capable of forming youth to Christian piety, and the fear of God." Against the opinions of these personages, your Petitioner most humbly opposes the opinions of Pascal and of

Mr. Hume, which he hopes will be more influential with a protestant Parliament than either of these royal authorities, or of the Pope himself, or even of Mr. Dallas, the advocate of the Jesuits. The Pope further states "that the *Catholic* world, (assuming an universality for papal domination which your honourable House will not concede,) demands, with unanimous voice, the re-establishment of the company of Jesus." This demand, no doubt, arose from the Roman Catholic clergy being sensible of the decline of popery, through that influence created by the circulation of the Scriptures, against the great instrument of which, the British and Foreign Bible Society, the Pope also thundered another Bull from the Vatican,—a Bull to which his clergy in Ireland have paid the most willing attention, by every act of tyranny, nay cruelty, they could exercise towards their deluded flocks. The Pope, in his Bull, further calls "the Jesuits the vigorous and experienced rowers of the bark of Peter tossed and assailed by continual storms." That your Petitioner further submits, with the most respectful humility, that if any Protestant or Roman Catholic who studies his bible, reads this bull with attention, and also considers that the Jesuits have always acted as they have done in South Africa, on the principle "*that the end justifies the means,*" he must be convinced that the cause of the long-continued evils of Ireland, and the late disturbances, have had a Jesuitical origin, as the Petitioners to your Honourable House, from Armagh, have truly stated.

That should your Honourable House be pleased to institute that inquiry, which appears, even from what has lately passed in Ireland, in England, and in the Colonies, particularly at the Cape of Good Hope, (where Lieut. Colonel Christopher Bird is the Colonial Secretary, a Jesuit educated at Stonyhurst, and brother to the chief-priest of the Order, at Preston, in Lancashire, by whose baneful influence your Petitioner hath suffered most severely,) and also from what has passed in your Honourable House, to be so necessary, he pledges himself to submit such evidence of facts, as will bring conviction to the minds of every reflecting man, who respects the reformed religion, and the unequalled blessings of the British Constitution. Your Petitioner, therefore, very respectfully solicits your most serious attention to this subject, and your Petitioner will ever pray.

London, 3rd March, 1823.

The tenor of the foregoing Petition is so plain, and the language so comprehensive, that it could not be misunderstood except by those disposed to put down truth by ridicule. It was submitted on the 5th inst. to counteract the effects dreaded from misconception of Mr. Abercrombie's motion, which has, ultimately, rendered important service to the Protestants of Ireland.

As free-born British subjects who have enjoyed the glorious privileges of Protestant constitutional liberty, and who highly prized these privileges, did not emigrate to South Africa to submit to popish domination in its government, and to the numerous evils that have always inevitably flowed from a Papist being influential in the executive, the writer has prepared the following Petition to submit to the House of Commons, and which must carry in every allegation, the irresistible force of truth, supported as each allegation will be, by personal evidence of the first official respectability, and by written and circumstantial evidence, to make good the charges of the Colonial Secretary at the Cape, if not being a Jesuit, being at least a sincere member of the Romish Church, on which Jesuitism has been lately engrafted; and Lieut. Colonel Bird being such, according to the high authority of Blackstone and Burke, and the living authority of the present Bishops of London and Chester, Lord Colchester and Mr. Peel, is totally incompetent to direct the executive of any British Colony. Blackstone has written in vain, if this be not the established, although not perhaps the prescribed law of the United Kingdom and her Dependencies.

There is a protestant jealousy, according to Blackstone, interwoven in the British constitution, and which forms its vital energies, and which looks with great suspicion on all but true members of the Established Church, forming any part of its Executive.

"Ex uno disce Omnes."

(Here follows the Petition on Page 371.)

*Address to the Protestant People of the United Kingdom,
and Her Dependencies.*

Fellow Countrymen,—When in South Africa, I received several communications from the most authentic sources, that the Jesuits were at work, and that all the subtilty for which their sect was so notorious, was exercised to drive the deluded Peasantry in Ireland into acts of Insurrection and Rebellion. Pastorini's infamous prophecy, the work of Dr. Walmsley, an English Jesuit, was widely circulated among my truly unhappy fellow countrymen, to instigate them to extirpate the protestants of Ireland. Armed Bandittis, like the Army of the Faith in Spain, and with similar views, commenced a general warfare in most of the Roman Catholic counties, against their protestant inhabitants. The unfortunate people composing these bandittis, goaded by the artifices of the Jesuits, carried fire and sword into the dwellings of the Protestant inhabitants; while loyal and peaceable Roman Catholics were sacrificed, as the O'Sheas were in the County of Tipperary, to the brutality of incendiary violence. Had these outrages, most dreadful as they were, been the temporary effects of party zeal, they would not have made such strong impressions on the mind; but when a plan of persecuting Protestants, not only in Ireland, but in France and the colonies, *has been reduced into a regular system*, it is time for you, my fellow subjects, to look at home, and to come forward and make the political snakes in the grass, which abound in all parts of his Majesty's dominions, innoxious.

Every association hostile to our constitution is illegal. But when associations become linked together by secret oaths, framed with Jesuitical art, to extirpate Protestants; when these associations branch out into every part of Ireland where the Roman Catholics possess physical strength, and the most outrageous acts are daily committed, it is full time, Protestants of England, for you to come forward and defend your religion from the invasion of its implacable foes. The Roman Catholics in Ireland, powerful in number, bigotted through superstition and strongly prejudiced by priestly malignity against English interests, and against the blessings of the Reformation, willingly submit, as the Bourbons have done in France, to sacerdotal domination. The Priests of

intolerant Rome have become the most leading political characters in Ireland. They have completely cast off the humility of our Saviour and his Apostles, while they assume the despotism of Machiavel, and practice the doctrines of Loyola, "*That the end justifies the Means,*" which I have stated in my Petition, presented on the 5th inst. by Sir Thomas Lethbridge, to the House of Commons. Armed with the authority of Mr. Plunkett, the Attorney General, "*that an association, exclusively of Roman Catholics, are hatching their plots in Ireland, until one general concussion should shake the Constitution to its centre, and that its object was the overthrow of the Government, and the murder of the Protestants, Fellow Countrymen, this is the admission of His Majesty's Attorney General for Ireland,*" a happy prelude to what Protestants may expect, when Popery shall be ascendant, as it nearly is at present, in the sister country, I have, therefore, not hesitated to come forward, and exercised, on public grounds, the prescribed rights of a British Freeman. These are no times for delicacy, or concealment, the enemy is at our doors, while, in the House of Commons, the Members in the Roman Catholic interest want to ridicule the existence of these dangerous Societies; but the magnanimous boldness of Sir Harcourt Lees, who, like Luther, fearless in great difficulties, will lead to such a development of facts as will not only prove the existence of numerous branches of the Jesuits in Ireland, and that they have been at the bottom of all the late disturbances,—the secret cause that moved the machinery of assassination, robbery, and pillage.

My previous knowledge, before I embarked for South Africa, of the practices of the Irish Priests,—*my being a witness of their actions, and a hearer of their arguments,* gave me strong grounds to disapprove their measures, which I carried with me to the Southern Hemisphere, and which I boldly communicated to the Arch-Jesuit seated in absolute authority in South Africa. "*Hinc illæ lachrymæ.*" Insidious persecution followed, Colonel Bird declared I knew too much, and that I ought not to remain in the Colony. He knew, and Lord Bathurst and Mr. Goulburn, with the present Lord Bexley knew, I carried with me to South Africa a bold and independent mind, that would not succumb to Popish domination in a British Government. Colonel Bird dreaded the undauntedness of my conduct, and spread his Jesuitical veil round the Representative of our Most Gracious

Sovereign, deluding him by his artifices, and extending these artifices to Downing Street.

Pray mark, with deep attention, the important communication from the unfortunate settlers in Albany, of the 8th December last. The *sequitur* of the gross mismanagement at the Cape of Good Hope, will, I fear, soon appear; and the annihilation of most of the English settlers on the confines of Caffraria, may follow the unabated distress which has accompanied all their operations. This deep concern for the woes of my fellow settlers, may not be palatable to the brevity of official men, but I am well assured that by you, my benevolent fellow countrymen, my expression of it will not be considered either prolix or tedious. Before I left the Cape, I boldly told, and apparently convinced, Lord Charles Somerset, that His Excellency was completely deluded by the Colonial Secretary. I referred to large extents of land contiguous to the seat of government, appropriated by the Colonial Secretary to his own use, and for the introduction of Popery, when the insulted and ruined Settlers were tauntingly refused any suitable location, and ground was refused for the erection of places of Divine Worship, to the Protestant communions. My letter to Lord Charles Somerset, of the 17th December, 1821, proves that I was not deterred by the overwhelming influence of the Colonial Secretary at the Cape, to fear making good my charge of his unconstitutional incompetency for his officially participating in the executive government of that colony. My second Petition, now before you, fully states that I did all that was in my power at the Cape, to influence the Governor to dismiss, or at least suspend, Colonel Bird, as his religious profession was proved to be hostile to Protestantism.

According to the very competent authority of the late Colonial Chaplain at the Cape, the Rev. Robert Jones, D.D. as stated in the fourteenth number of the *Christian Remembrancer*, p. 88, February 1820,

"The Dutch Established Religion of the Cape is Calvinistic. There are three regular ministers appointed to this Church in Cape Town; and each district throughout the Colony (except Simons Town) has one minister of the same persuasion. The whole of these, there being no tithes, are paid by government and provided with a house. There is also, at Cape Town, a Dutch Lutheran Church; the minister of which is supported altogether

by the voluntary contributions of the congregation, which is numerous and respectable. The old Lutheran Church has lately been taken down, and a very handsome and extensive new one has been erected, solely by the subscriptions raised for the purpose among the friends of that communion. After this we really feel some shame in recording the fact, that a proposal has recently been made by the English civilians for erecting an English church at Cape Town, which proposal would certainly have been carried into effect had not difficulties been raised against the plan by the Colonial Government."

Educated as a Protestant I found that my declaration against Popery, made to the Colonial Secretary the first day I saw him, was the cause of his great personal persecution of me. To use the words of the historian Burnett, I perceived "*treason was carried in the clouds and infused secretly in confession.*" Terror prevailed throughout the colony, while imbecility and Jesuitism marked the measures of the executive. Lord Charles Somerset's return and his constitutional principles enabled me to prove personally and circumstantially these facts I have stated, and I boldly unmasked the Jesuit seated in authority and surrounded with the preponderating influence of power.

Since the days of the second James, never did the Popish clergy in Ireland assume a more insolent—nay, even a more blasphemous tone than in this commonly reputed enlightened era. But when we see priests plunge the French nation into a desperate war against the Spaniards—into a crusade equally impious as any recorded in history against the liberties of mankind, England should look at home and render these vipers of society innoxious in our unhappy sister country.

I am urged to these strong expressions of indignation against the Irish Priests from the perusal of the very Rev. Dr. French's *Pastoral to his Priests*, which is at foot hereof, as it is copied verbatim from the Cork Mercantile Chronicle, of the 7th March.

Dr. French's anathema is levelled principally against all religious instruction—except such as emanated from the bigotry, superstition, and enmity of the Popish clergy to the pure doctrines of the gospel and to the Protestant religion. The Popish clergy, according to Dr. French, are alone qualified to interpret the sacred Scriptures to the people. He reprobates all those who

presume to read the Bible and to inculcate its blessed knowledge, "as thieves and robbers."

He denounces that useful and indefatigable society the Kildare Street Association, for the education of the poor in Ireland, which is incorporated by royal charter, and endowed, from its great utility, by an annual parliamentary grant—a society which was, at one period, countenanced by the Popish hierarchy, but from which they have withdrawn through the influence of the Jesuits. Doctor French says, that with the Kildare Street Association the Sacred Volume is the rule of faith and morals; I will ask this Popish theologian, this reviler of the blessed word of God, if the society could have a better rule for their conduct than the Scriptures which the Lord hath commanded us—meaning all his followers—to search. The Warden of Galway has the effrontery to state, that without the guide of Popish priests the Bible is Destructive of Christianity Itself.

Protestants of the British dominions, will you be so lost to every sense of duty to your God and to yourselves, as patiently to submit to one of the dignitaries of the church of Rome in Ireland, promulgating such horrible priestcraft? The Irish priests have, indeed, proved that they are "wolves in sheep's clothing," and they are now ready to immolate every loyal and firm Protestant, who dares be honest in these bad times, at the shrine of their idolatry, their superstition, and their gross sensuality. They have nearly made the south of Ireland a land of desolation and a land of graven images, as the illustrious Sidney has said, and through the influence of the Jesuits at Stonyhurst, and the ramifications of the Jesuit system—monasteries, convents, and nunneries—they seek to restore the Cross and the Wafer, to rekindle the fires of Smithfield, and renew the massacre of St. Bartholomew.

Popery of the Jesuit school is predominant in the Councils of Louis. Innumerable Jesuits came from France to England in the years 1793 and 1794, following the fortunes of the Bourbons. British liberality supported these incendiaries for a long period at Winchester, and other parts of England, while a whole College of them, like a swarm of locusts, emigrated from Liege to Stonyhurst.

Englishmen, and principally ye deluded Whigs of England,—ye Russells, Cavendishes, Bentincks, and Pettys, ye descendants from Protestant martyrs,—I beseech you to open your eyes; and

if you were not present at the London Tavern on the 7th inst. read what M. Colon said:—"shall I paint, in two words, the dismal era of our thraldom?—The Inquisition and the Jesuits were recalled to life amidst the astonishment and the scandal of the nineteenth century!!"

Whigs of England, are you ignorant that the Jesuits are the most influential persons about the French throne? that poor Louis is completely in their fetters, as the Head of an illustrious family in Ireland now is, for popery always accommodates itself to the vices of mankind? If you wish to support Spain, oppose the insidious Jesuits, the bodyguards of tyranny and despotism, and then you will prove yourselves consistent characters, and faithful both to your God and to your King. It is ridiculous to hear of your making fine speeches in Parliament, and at Public Meetings, and that you should be so blind to the real cause of Spanish, French, and Irish miseries.

Protestants of England, what can be more offensive to your feelings than to hear the sacred Word of God denounced by the Popish priests in Ireland. That word which is "as sight to the blind, as walking to the lame, as hearing to the deaf, nay, as life to the dead," to be excluded from the knowledge of the poor. The Irish priests declare war against you, and your religion. The Religion of the Bible, and Doctor French's Manifesto is the proof of this declaration.

The popish priests seek to rivet the chains of mental bondage on your unhappy fellow subjects in Ireland. Is there any among us so base to be a bondsman!! Awake, Britons, to your duty, and preserve the inviolability of your religion, which is the safeguard of all those blessings with which the Almighty has been pleased to award us, for our attachment to its interests, which are, above all others, valuable. I am, Fellow-Countrymen, your faithful and obedient Servant,

(Signed) WILLIAM PARKER.

15th April 1823.

[Original.]

Letter from MR. WILLIAM PARKER to ROBERT WILMOT, ESQRE.

No. 10 ADAM STREET, ADELPHI, 15th April 1823.

SIR,—I beg leave to submit the accompanying pages to you, and most humbly to solicit your early and kind perusal of them. The subject will be found in the words of a Noble Lord, who filled with such honour to himself, and benefit to the Nation, the Chair of that House, of which you are a Member “of *material importance to the Public.*”

I therefore very respectfully and earnestly entreat the honor of your supporting the prayer of my Petition for a Committee for Inquiry, before which I hope to establish by evidence of the first respectability, the *gravamen* of my charge, which is indeed of a most serious nature, being an innovation of the sacred principles of the British Constitution, the blessings of which should be inalienable in an English Colony; and the consequence being the ruin of hundreds of loyal British Subjects at the Cape of Good Hope. I have &c.

(Signed) WM. PARKER.

[Copy.]

Letter from MR. D. P. FRANCIS to the LANDDROST OF ALBANY.

GRAHAM'S TOWN, 15th April 1823.

SIR,—Having presented a Memorial to His Excellency the Governor on the 20th of August last for a Grant of Land at the place I am situated upon near Assagaai Bush, and understanding from the Colonial Office in Cape Town, that the same was referred to your Office, for your Inspection and report on the said place, I shall therefore feel obliged by being Informed if any Inspection or Report was ever made on the said Lands agreeable to Instructions from the Colonial Office. Being also informed that on your late arrival from Cape Town a General Inspection of the places

occupied by the Settlers would be made by yourself, I shall feel further obliged by your communicating to me if it is your intention, or not, to visit my place for that purpose. I am Sir &c.

(Signed) D. P FRANCIS.

[Office Copy.]

Letter from R. WILMOT, ESQRE., to the COMMISSIONERS OF ENQUIRY.

LONDON, 16th April 1823.

GENTLEMEN,—With reference to that part of your Instructions by which you are required to inform Yourselves of the Means of opposing an effectual check to the Extension of cultivation by Slave labour in Lands recently occupied at the Cape of Good Hope, I do myself the honour to acquaint You that it is Earl Bathurst's desire that in examining this Subject You would enquire as to the numbers and Circumstances of Persons possessing, or occupying, Lands in the new districts under old Grants, or on Conditions, which do not restrict them from the employment of Slaves; and that you would report upon the actual degree of Advantage with reference to cheapness of cultivation which such Persons derive from their facilities of employing Slave labour over those new Settlers whose Grants are made on a special condition that their Lands should be cultivated by free labourers alone, and that any employment of Slaves upon them should render the Lands subject to forfeiture.

With the same Object you will also be pleased to make a similar report as regards the Province of Uitenhage, and other places referred to in Earl Bathurst's despatch of the 20th May 1820, of which I enclose a Copy, together with the Copy of a more recent despatch connected with the same Subject. I have &c.

(Signed) R. WILMOT.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 16th April 1823.

SIR,—Having laid before His Excellency the Governor your Letter of the 27th Ultimo, favorably reporting on the Memorials of Captain Henry Crause and Lieutenant C. Crause, the former praying for a Grant of Land and the latter for an equivalent for the Land allotted to him at Fredericksburg, and defining the spots to be allotted to these Officers, I am directed to desire that the Diagrams and valuations of the Land proposed to be alienated may be sent up. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from MR. WILLIAM PARKER to EARL BATHURST.

10 ADAM STREET, ADELPHI, 16th April 1823.

MY LORD,—The baneful influence of Popery in Ireland was among the propelling causes that induced me to seek peace and quietness on the remote shores of Southern Africa, under the high auspices of the British Government and the legislative wisdom of the Parliament of the United Kingdom. I selected the Cape of Good Hope from its peculiar Protestant character for this change, as I was informed by every authority that Popery was not influential, nay, not even tolerated in that Colony. But My Lord, I was not many months there, when to my great grief, disappointment and oppression I found that even its government was under the baneful direction of not only a Papist but a Jesuit early initiated at Liege and Stonyhurst into the Secreta Monita of Loyola and ruling South Africa with a fixed design of establishing Popery in that Colony on the ruins of the Reformed Religion.

This important fact, as I found it unavailing to solicit official inquiry at the Cape, I am now prepared to prove by a chain of

evidence incontrovertible and uncontradicted. For that purpose I have prepared the accompanying Introductory Pages, which with the utmost respect, I beg leave most humbly to submit to your Lordship, and to entreat your kind attention to them. I have &c.

(Signed) WM. PARKER.

[Copy.]

Letter from the LANDDROST OF ALBANY to MR. D. P. FRANCIS.

GRAHAM'S TOWN, 17th April 1823.

SIR,—In reply to your letter of the 15th instant requesting to be informed if any inspection or report was ever made on the Lands for a Grant of which you had applied by Memorial to His Excellency the Governor, I have the honor to acquaint you that no inspection has been made by me, and to state, in answer to your inquiry whether it is my intention to visit the place on which you were located, that I have no such intention at present. I have &c.

(Signed) HARRY RIVERS.

[Copy.]

Letter from MR. THOMAS PRINGLE to the COLONIAL SECRETARY.

CAPE TOWN, April 18th 1823.

SIR,—I have the honor to enclose with this a Memorial to His Excellency the Governor, which I beg you will have the goodness to lay before him, and I understand my brother John has just addressed one to the Colonial Office on his own account. I have nothing to add on the subject of them except respectfully expressing a hope that the steadiness and industry displayed by the individuals settled on the Baviaan's River will bespeak for them and for their connections a continuance of that support and encouragement which they gratefully acknowledge having

constantly experienced from the Colonial Government. I have the satisfaction to add that Providence has favored their hopes this season in a point wherein neither their own industry nor the support of Government could ensure success. The Blight in their Wheat crops was arrested at a critical period, and they have been enabled to secure if not a full crop at least an abundant provision for themselves and a considerable surplus for sale. By letters received to-day from my Father and Brothers, I have the pleasure to add that the crops of Barley, Maize, Potatoes, and Garden Vegetables have been so abundant that they do not know how to dispose of a considerable surplus which they cannot themselves consume. I have &c.

(Signed) THOS. PRINGLE.

[Copy.]

Memorial of MR. THOMAS PRINGLE.

*To His Excellency the Governor LORD CHARLES HENRY SOMERSET,
Governor and Commander in Chief, &c., &c., &c.*

The Memorial of Thomas Pringle Humbly Sheweth :

That Memorialist being desirous of settling two more families of his relations, still in Scotland, near the Location of his Friends and party at Baviaan's River, and having heard that it is the intention of Government, to give out certain unoccupied Lands, on the Mancazana River, which closely adjoins to that Location; he humbly requests that your Excellency will be graciously pleased to allot such an extent of Land as may be considered competent for the two families alluded to, at the place called Jalousa's Kraal, which is near the junction of the Mancazana Stream with the Koenap River, or, if that position (which is the most accessible) is not now disposable, somewhere above in the glen of the Mancazana, or its subsidiary Kloofs where Water and pasturage can be commodiously obtained.

The persons in whose behalf Memorialist takes the liberty to present this petition, are his brother Alexander Pringle and his Brother in Law William Ainslie; both of them bred to practical

husbandry, in the South of Scotland, and both possessed of a small capital, insufficient indeed to enable them long to continue a ruinous struggle in farming at home in the present depressed state of British agriculture, but fully adequate, as Memorialist conceives, to establish them successfully as African farmers beside their friends and Countrymen on the Cradock frontier. Both of them have strongly expressed to Memorialist their anxious wish to join their connections in that District if they could be assured of obtaining allotments near them of sufficient extent to afford a competent support for their increasing families.

The intended Settlement of the Mancazana Kloofs seems to afford the means of placing them in the precise position they are desirous of obtaining, and this circumstance has prompted Memorialist to solicit your Excellency in their behalf at this moment, for if the unoccupied lands of the Mancazana should be otherwise disposed of, there remains no other position, in that part of the Country, where they could obtain an eligible or adequate allotment.

In case, however, that there should exist any difficulty in granting lands to persons not yet arrived in the Colony, Memorialist humbly submits to your Excellency, whether such objection might not be obviated by the grants being made in the name of Memorialist, as original head of the party, or in the names of his Brothers William and John now residing in that vicinity, in charge for the individuals before mentioned, and under the conditions of their being immediately occupied and improved for their reception, and *bona fide* located by their absent relatives within a specified period.

Memorialist with a very grateful sense of your Excellency's constant attention to promote the comfort and welfare of his friends and party, respectfully solicits for the present application your Excellency's favorable consideration.

And your Memorialist shall ever pray, &c., &c., &c.

(Signed) THOS. PRINGLE.

CAPE TOWN, April 18th 1823.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 19th April 1823.

SIR,—I have the Honor to transmit a Copy of a letter I have received from Mr. D. P. Francis, a settler, together with a Copy of my reply thereto, and to state, for the information of His Excellency the Governor, that, not having received any instructions to proceed to the inspection of the Land requested by Mr. Francis, subsequent to my letter of the 6th December last, on that subject, I have not made any inspection or report thereon, and that, as Mr. Francis had long abandoned, and ceased to occupy, his Location, I have not considered it necessary to visit that place, but I have furnished the return required by your letter of the 17th December last, from the information I collected from the adjoining parties and the men who have been left on the Location. I have &c.

(Signed) HARRY RIVERS.

[Copy.]

[Letter from the Landdrost of Albany to the Colonial Secretary.]

GRAHAM'S TOWN, 19 April 1823.

SIR,—In reply to your letters of the 8th October and 19th March last, transmitting for my report thereon two Memorials from Mr. R. Hayhurst, praying that such a portion of land may be granted to Captain Trappes as will remunerate him for any expense he may have incurred on account of the previous grant made to him, part of which belonged to the Nottingham Party, provided he gives up the same to the parties who feel themselves aggrieved, and that the promise of a grant made to him by Sir Rufane Donkin, which will include certain Ravines not yet disposed of, may be confirmed, or in the event of his request being rejected, that he may be granted a passage to Van Diemen's Land in one of His Majesty's ships, I have the honor to state for the

information of His Excellency the Governor that it does not appear that the land near Bathurst granted to Captain Trappes ever formed part of the Location assigned to the Memorialist's party, or that the grant has affected or interfered with Mr. Hayhurst's location, of the quality of which he has no reason to complain, as it contains more arable land than the whole party will ever probably cultivate, and that as the grant to Mr. Hayhurst of the land described by him in the last paragraph of his memorial of the 22nd September would deprive several deserving and industrious individuals belonging to his and Mr. Bradshaw's parties of their homesteads and the benefit of their labour for the last three years, I cannot recommend a general or unconditional compliance with his request. I conceive also that an immediate decision on the Memorial of Mr. Hayhurst, as well as on many others which have been referred to me, would be premature and likely to create considerable difficulty and embarrassment hereafter in making the ultimate arrangements and grants for the Settlers, the period for which is now at hand, and as I have not yet received from Mr. Knobel the plan or diagrams of the locations which he surveyed long ago, I am not sufficiently informed of the several boundaries to enable me to report separately on applications for specific portions of land, without the risk of involving the previous right or claims of other persons.

I am induced therefore to submit to His Excellency the propriety of withholding any further grants to Settlers of land adjoining, or in addition to, the several Locations until the grants to which they shall be respectively entitled shall have been made, and the extent and boundaries defined, when the land which will then remain at the disposal of Government can be ascertained.

I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

BELMONT COTTAGE, STOCKWELL, 19 April 1823.

MY LORD,—I cannot rest easy under your Lordship's silence to my Letter of the 3rd Instant, although I am unwilling to be importunate, certainly I would be very sorry to offend; but my griefs are galling, and they still remain to be healed. I am persuaded that it cannot be your Lordship's purpose to treat me with indifference and neglect; I trust however unpleasant the subject may be, that it will meet with that urbanity, humane consideration, and promptitude, which have rendered your Lordship's name eminent and respected in every part of the Globe.

If my feelings have prompted me to address your Lordship in terms of acuteness, my situation will surely be my apology, and I am persuaded you will make a liberal allowance for a goaded heart! therefore my Lord, that I may not trespass upon you with details which are far more painful for me to write than they can be for your Lordship to hear; may I be admitted to the honor of waiting upon you personally in order to terminate so unsatisfactory a Correspondence? I have &c.

(Signed) THOS. WILLSON.

[Copy.]

*Memorial of MR. WILLIAM WAIT.**To His Excellency the Governor, &c., &c.*

The Memorial of W. Wait, of Belton, sheweth

That Your Excellency not having been pleased to comply with the prayer of his former memorial on account of one individual only remaining on his location, would further humbly mention that his life and property having been in danger, it was by the admonition of Captain Somerset and the Court of Heemraden that

he gave his people their discharge, on being assured by Captain Somerset that it should be without prejudice to any grant of land to your memorialist.

That your Memorialist has generally had other Settlers in employment, till lately he was under the necessity of discharging them either for misbehaviour or requiring very exorbitant wages.

That your Memorialist has again others in employment building a stone house and preparing land for the plough.

That he has been at very heavy expenses since his arrival in the Colony without receiving any return or benefit.

That he has lately heard from England with information that two Gloucestershire gentlemen are coming to this Colony to join your Memorialist, by whom he has requested that some further laborers might be indentured and brought out to this location.

That your Memorialist on the appointment to this place solicited of Colonel Cuyler that Mr. Barker might be placed on the same location, to which he replied, that the water was not sufficient for two farms, and the inconveniency on the trial was such that Mr. Barker found it necessary to remove to his former place.

That the inconveniency which would result from another's cattle upon the place of your Memorialist would be insufferable from there being no water but that occupied by Your Memorialist, and as already experienced the crops and plantations would be continually destroyed.

Your Memorialist therefore humbly prays that (if it may not be incompatible with the decision already given by your Excellency) that your Excellency may for the further reasons adduced be pleased to accord his former prayer for the further grant upon his place, or that it may be reserved for his expected friends.

And Memorialist &c., &c., &c.

(Signed) W. WAIT.

BELTON, ALBANY, *April 23rd 1823.*

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to LORD
CHARLES SOMERSET.*

COLONIAL OFFICE, LONDON, 24th April 1823.

MY LORD,—I am directed by Earl Bathurst to transmit to Your Lordship the Copy of a Despatch, together with its Enclosures, addressed to Mr. Secretary Canning by His Majesty's Minister in Switzerland, requesting information concerning property at the Cape of Good Hope bequeathed to a Bernese Family, and I am at the same time to request Your Lordship would be pleased to cause such References to be made to the Orphan Chamber of the Colony as you may consider necessary to obtain the information sought for on behalf of the Children of the late Madame Ernst.

I have &c.

(Signed) R. WILMOT HORTON.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 24th April 1823.

SIR,—I am directed by His Excellency the Governor to transmit to you herewith a Copy of a Memorial which His Excellency has received from several Inhabitants resident in Graham's Town stating the Reasons which induce them to decline taking the Oath of Allegiance which is prescribed in His Excellency's Proclamation dated 4th October 1822, to be taken by those Persons who are enrolled in the Albany Levy.

His Excellency regrets very much that there should be any misapprehension on this subject, and it is his wish that you take the utmost pains to explain to the several Persons who have signed the Memorial now transmitted, the error under which they labour. It having been expressly communicated to the Heads of Parties who are now located in the Albany District by the Secretary of

State's Letter addressed to them previous to their leaving England that the Settlers under them would be subject to the Laws of the Colony to which they were proceeding, it might have been sufficient for His Excellency to have signified to them, as the preamble of the Proclamation above alluded to purports, that by the ancient Law and usage of this Colony, all persons above the age of sixteen were liable to enrolment, and to being placed under Military Law, but His Excellency took into consideration that their habits might be averse from so summary a mode of acting, and therefore in forming a Levy for the protection of their own Establishments His Excellency had recourse to the precedent afforded him by our own Institutions; and the Oath of Allegiance required to be taken and the consequences deducible therefrom (which is expressed in the last Sentence of the aforesaid Proclamation) are taken from the 20th and 22nd Paragraphs of the 44th of the late King, Cap. 54, entitled an "Act to consolidate and amend the Provisions of the several Acts relating to Corps of Yeomanry and Volunteers in Great Britain, and to make further regulations relating thereto."

His Excellency has no doubt that after you shall have clearly explained the aforesaid circumstance to the persons who subscribed the Memorial in question and shown them how cautious he has been to consult their feelings and tastes in following in this measure the words of the English Act of Parliament relative to Yeomanry and Volunteers, that they will see the error into which they have been unguardedly led and no longer decline taking an Oath which in England has never been objected to, and which here is calculated to avow and prove that loyalty which they most judiciously and properly profess to feel. You will be quite aware that His Excellency cannot recede from what he has legally called upon them to perform, and that therefore the pertinacious will, after this warning, have themselves only to reproach should the penalties of the Law be therefore enforced against them.

I have &c.

(Signed) C. BIRD.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *April 28th 1823.*

MY LORD,—Many circumstances have combined to cause considerable delay in my determination of transmitting to your Lordship the case of a female Slave named Rosalyn, who has been condemned to death for the murder of a new born child, which I now do myself the honor to submit as a fit subject for the Royal Clemency.

The case is so voluminous and the evidence throughout so contradictory and inconsistent, that I shall take the liberty of drawing your Lordship's attention to those prominent and particular parts of the case, from which I have found myself compelled to decline signing a warrant for the prisoner's execution, and I trust I may so explain my view of this complicated and difficult case as to induce your Lordship cordially to recommend the prisoner to His Majesty's favourable consideration.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[It cannot be necessary to copy and print the lengthy details of this case.—G. M. T.]

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

L'ORIENT, *29th April 1823.*

MY LORD,—We have the honour to inform your Lordship, that the repairs of the *Lady Campbell* having been completed this day, we have just received from the Captain an intimation of his intention to sail to-morrow at 3 o'clock. Although we greatly regret the delay that this accident has occasioned, yet considering the difficulty, that necessarily attends the construction of a new rudder, and fitting it to a ship, without unloading the cargo and

bringing her into dock, we do not believe that more time has been consumed in this operation, than was quite unavoidable. We trust that this delay, entirely unforeseen on our part, will not be productive of injury or inconvenience to the objects that we have in charge, and we hope, that it is unnecessary for us to assure your Lordship of our sincere desire hereafter to repair, as far as it is in our power, any inconvenience that may have been occasioned to the public service by our long detention at this early period of our voyage. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

STOCKWELL, 30 April 1823.

MY LORD,—I have attentively perused your Lordship's reply of the 26th Instant, I remember perfectly well "the printed conditions" to which I am referred, although I have them not; I remember also to have seen "the Letter addressed to Heads of parties by the Deputy Colonial Secretary at Algoa Bay," and although the word "*option*" which your Lordship so emphatically quotes, and which the known ability of the Deputy Secretary seeing so essential, could not possibly omit in a public document, for it was indispensable; and I have no doubt but that it was inserted, although I do not remember to have read it, yet I must admit it; but, at the same time, I must affirm, that *there was no option at all!* or I would most gladly have embraced it, as *my only Security*; besides which it would have saved me endless trouble; I will moreover put it to the honor of the Deputy Secretary, who is now in England, and who was then present, to say if there was Money in hand, to pay the first Instalment? No My Lord, be assured there was not! and the Supplies were issued (as pre-concerted) in lieu of the Money, and as a matter of course! I sincerely believe that if I had hesitated to become the Medium of such Issues, my Life would have been the instant

forfeit of such temerity ! moreover they were ultimately claimed as a *right*, and as a *Gift* from the Crown ! I was jeered, insulted, assaulted, and robbed, *for attempting to control* the expenditure of them ! and if I had declined to make these issues, would it not have been deemed factious ? and flying in the face of your Lordship's authority ? I lament, (for the Public Service) that my discrimination in these issues was over-ruled by the orders of the Commandant, where I felt it my duty to refuse, he felt it his duty to give, in spite of my entreaties, so anxious was he to *overbalance* the account of deposits, that this has doubtlessly been done, tenfold, twenty fold, thirty fold ! if your Lordship could be disposed to take such an advantage. Nay, My Lord, so kindly disposed was this officer to us, that he had no hesitation, and *did actually*, when the party were drawing *rations* in my name, and were living upon these supplies, he *malevolently* and *vindictively*, cut my family off, by a *private order* to the Contractor, from these very rations, which your Lordship *imagines* fed me and my little ones ! And although there was no other food for us at Algoa Bay, at any price !! hoping by this means to starve us into his shallow promise of *better fare* on the frontier !! and I firmly believe, if the worthy Commissary, who was surprised at his cruelty, (but whose duty forbid interference) if he had not occasionally supplied us from his own Table, we must have perished for want of food ! and we were positively several days without either Bread or Meat for ourselves, our dear children, and our mutinous Servants !! No, I can assure your Lordship, and I can prove it most clearly, *that it was very little* FEED indeed, that my family were sustained by, from the bounty of His Majesty's Government, although I am perfectly aware of its benign intentions and perfectly and gratefully appreciate them. Let me ask them, was it *voluntarily* or *involuntarily*, My Lord, that I became the Medium of these Issues to the Settlers ? The Commodore Lillicap, under the Flag of the *Hyperion*, also cast this "*feeding of the paupers*" into my Teeth ! but My Lord, so far from being sustained by this said feeding, I paid, (for the sake of preserving good order during the passage, and to go hand in hand with the Navy Agent in controlling grievances,) I paid the Captain one *hundred Guineas* for his Table exclusive of upwards of a hundred pounds Sterling of Cabin Stores, which I put on board ; this I can also prove through Captain Young and

the receipts. My return to England has been attended with no less expence, and waste of money to me, which His Excellency, from humane feeling, had hoped to spare me! My Lord, it is most grievous to think of these things, and to see the different temper of mankind.

As *my original papers too* have been illegally detained by the Court of Justice at the Cape, in the last arrest which I encountered for this said deposit money, and which I paid for the sake of being free, to embark on board the promised Transport; I feel my Case considerably crippled for want of these, *my original papers*; therefore I must pray your Lordship to order their being restored to me. In the mean time, the Extracts which you have been pleased to make will assist me under this deficiency; I fully acknowledge *all* the Aids which the Colonial Government supplied to the Settlers, and to which you desire to call my attention, as an equivalent! In this, certainly, the benevolent intentions of His Majesty's Government were truly conspicuous; and they were met with gratitude: the most fastidious malcontent could not fail to admire the parental care with which your Lordship provided for His Majesty's subjects who entered into the temptations of the printed Circular! which it is true, My Lord, very true, that this Document promised us nothing! nothing, in fact, tangible, *except the Money*, which it specifically *promised should be returned* in Money: while the activity of the Government with its wonted humanity was providing everything needful; and every English Subject is aware, feels, and knows, that nothing of an empty nature is disseminated from the Crown! the word of Majesty, which flows from the pen of your Lordship, even bears the stamp of Integrity! that Integrity, which is affianced with the stability of the very Throne itself!! It would be treason to doubt it!!! therefore, My Lord, in this I have placed my reliance, and embarked my hope, and my capital in the arduous Enterprise. No man can impeach the prudence or philanthropy of your Lordship's measures, much less can it be said that His Majesty's Government have abandoned the Settlers in the hour of necessity: on the contrary, more, much more, has clearly been provided and disbursed to the Settlers than could possibly have been anticipated by the most sanguine expectation! and, excepting a solitary instance, every praise and gratitude (in my humble

opinion) is due to your Lordship, to His Excellency, and to all the Gentlemen of the Colonial and Commissariat Departments and also to the Landdrosts, for the promptitude and humanity with which this difficult service has been carried into effect: notwithstanding my griefs, and my misfortunes, My Lord, I must in candour, and I do most sincerely and gratefully admit this; I fervently hope that it may ultimately prove beneficial to all concerned in this great political and national work, and that your Lordship may live to see its perfection, and receive the gratulations of a rising and industrious population.

There is no question, my Lord, but that a general good has been effected; yet for my single self, humble as I am, I must beg to claim your Lordship's particular attention both as Head of a Party, the father of an interesting little family, and as I trust, I shall ever be, a loyal and well disposed British subject, however unfortunate this enterprise may prove.

My Lord, I have in everything conformed to your measures, I weighed them attentively and endeavoured to model my line of conduct upon their wisdom, particularly in the prudence of being *spare* of promise, but *active* in the fulfilment of my several duties: it is, believe me, My Lord, scarcely possible for an Individual to engage in a more arduous, certainly not in a more revolting service; but notwithstanding all the difficulties and clamour which surrounded me, and malevolence which was opposed to me, I have reason to believe that I succeeded in discharging the *whole* of my duties and settling with every Individual of my large party, with a precision that no other Head of a Party has equalled: the want of system produced intricacies which evidently brought one poor Head to the grave; and a defect of method has been attended with overwhelming ruin to many, much more so, I fear, than "the rust" or "the deficiency of their crops!" In fine, it is my real belief that if the measures of Government had not been thwarted by the follies of the Irish Commandant at Algoa Bay, who unfortunately for us was stationed there to assist, protect, and promote our views, all would have been well: the Germe of our hopes was gradually opening, under the gracious influence of a beneficent Government, when the stern and perverted judgment of this officer blighted its bud, and blasted all our expectations! his ridiculous and improper tampering with all classes, and his indecent interference with the *private agree-*

ments between the Heads and their followers, set all at Loggerheads in a Labyrinth of dissatisfaction and complaint! even those who had been satisfied and settled with (no easy task your Lordship may be assured to settle the Individual accounts of a numerous and inflamed party, under the influence of the worst of passions, and fraudulently disposed) even these, who had signed their receipts, and my acquittance in my Ledger, which I had opened to satisfy the jealousy and suspicions of their friends in England, even these renewed their clamour, and under the guidance and authority of the revengeful Commandant, they extorted more money and more goods from me! many obtained payment of the *second*, as well as *their first* Instalment, and several even obtained the *third* Instalment; others, as your Lordship has seen, arrested me and I was exposed to endless torments! And so far from its being *OPTIONAL*, my Lord, to receive money or supplies, such *was the scarcity* of money, that I was obliged to take *an order* in payment of my *first* Instalment upon the Commissary at Grahams Town, near 100 miles distant, and *this is all the money I ever received!* The Settlers being informed by the Commandant that I had this order in my possession, they would not leave Algoa Bay without receiving the money, and I must repeat that such was the paucity of Rix-dollars at Algoa Bay and at Uitenhage, above 20 miles distant, that it took several days to procure this change in pieces of 100, 200, 300, and 500 Rixdollars! Many of these I was obliged to entrust to the Settlers, to get changed, and *never saw them afterwards!* And further, in the hope of obtaining *my Ledger*, which, thank God, I had the precaution to deposit for security in the hands of the Commissary, in the view of plundering me of this, they opened my box and took away my Pocket book containing *all* the money, upwards of £300, I had left, for building my House, or erecting my mill, which latter that cost me near £100 at Hills in Oxford Road, was shamefully given up to gratify the party, by the Commandant, and I believe they still hold possession of it; so that every rational prospect for me was broke down, and destroyed; discord followed in all its variety, everything was perverted, Masters became Servants, and Servants became Masters, &c! and your Lordship can form a pretty accurate judgement what kind of Masters *they* would make; my heart recoils at the bare recollection! I will not offend the sight of your Lordship with the details.

Lastly, my chief policy throughout, like the ruling principle of your Lordship, was to settle with the settlers with all possible dispatch as soon as they disembarked, by giving them possession of the promised Lands, balancing their claims, fully discharging every obligation, and every promise; and going as much beyond these as prudence and humanity would suggest, the safety and welfare of my family would allow, and the good conduct of the majority might entitle them to. It is therefore useless to intrude further upon your Lordship with this subject, which is as prolific of public abuses as of private sorrow to myself! all of which might pass away as a fleeting mist, if your Lordship would condescend to grant the favor requested, and supposing no claim actually to exist, is it too much, my Lord, (considering my losses, my services, and my sufferings) is it too much to ask as a favor, to let the debits upon my second and third Instalments be charged upon my Lands? are these Lands not already charged with the claims? and after all the only difference between your Lordship's statement and mine is this, your Lordship says that I have received *an equivalent in lieu of the money!* by feeding the settlers: if so, My Lord, I reply that most of them have received their *feed* from you, and *money* from me besides, without the possibility of Check! Again, My Lord, in the common routine of business, equivalent is never regarded as payment! moreover by holding the Lands as mortgaged, you have equivalent for equivalent, and you withhold the Money besides! therefore keeping the Money under such circumstances is evidently withholding it from me very greatly to my prejudice! and your Lordship must see, that not having received the Money under my immediate, and Individual control, has been attended with very serious evils to me, rapine, plunder, and prosecutions at law, are amongst the least of these evils; it must also appear cruelly unjust, that Mr. Parker and Mr. Ingram have received their Money, and that the balance due to me is so withheld! The Commissariat Department have received their acquittance, and though my acquittance may be disregarded as of little or no importance, still the Cash account must appear unsettled! therefore My Lord, much as I regret to trespass upon you, I must hope that your Lordship will indulge me with the honor and favor of being permitted to wait upon you! I have &c.

(Signed) THOS. WILLSON.

[Original.]

Letter from MR. WILLIAM PARKER to EARL BATHURST.

No. 10 ADAM STREET, ADELPHI, 30th April 1823.

MY LORD,—On the 16th Instant I had the honour to submit to your Lordship the Introductory Part of my Pamphlet respecting the influence of Popery in the government of the Cape, and as several of my Parliamentary Friends have arrived from Ireland, I solicited Lord Ennismore and Sir N. Colthurst to wait on Mr. Wilmot, and to assure him for the information of your Lordship, that in again submitting a Petition to the House of Commons, detailing facts of the hostility of the Colonial Secretary at the Cape to the Protestant Religion, which can be substantiated by the most respectable evidence now in London, that I am not actuated by any angry feel (*sic*) towards the Department over which your Lordship presides; although My Lord, were I to refer to the manner I have been treated, it would be difficult to separate great irritation from my truly injured feelings and my ruined family. I have been now nearly five months with them in London waiting the honour of an interview with your Lordship. But notwithstanding the inaccessibility to your Lordship that I have as yet experienced, as My Lord Kenyon has assured me of the unvacillating sentiments of your Lordship on the Roman Catholic Question, I have to request your Lordship's attentive perusal of my Pamphlet and that you will be pleased to honour me with an audience.

Mr. Wilmot on Saturday week informed Lord Ennismore and Sir N. Colthurst, that he should feel obliged by having my Petition deferred being presented until his return from the country, as he proposed having it referred to the Commissioners that sailed for the Cape, but who were very lately in France, and on Tuesday last he repeated to Lord Ennismore the same intention. In ordinary cases this may be a fair course to adopt, but My Lord, in my case, a case which so deeply affects the interests of the Protestant Religion, I respectfully submit, that when Lord Charles Somerset referred me from the Cape to your Lordship for redress, and when I most earnestly solicited from your Lordship, the honour of an introduction to these Commissioners on my

arrival, which I could not officially obtain, Mr. Wilmot's referring my Petition back to the Cape, would be indeed not only making a shuttlecock of me, but treating with the most culpable disregard the best interests of the Established Church. A Church most dangerously assailed by the Organ of the Colonial Government, and for the just and firm, I may, thank God, add, the efficient support of which, I was selected for persecution by the Secretary at the Cape. But My Lord if I found him to be a Jesuit, which his acts, as well substantiated evidence will prove, he found me a Protestant, sincerely loyal to my King and zealously attached to the Reformed Religion, and not to be duped by all the artifices, which he learnt at Liege and Stonyhurst, and practised probably with success in France.

My Lord it is creditable to no Ministers, be these Ministers whom they may, (I acquit your Lordship from the charge,) to place spies and informers in places of trust and confidence. To be deceived and to be deluded is the common lot of our nature. My aim and wish are, that Truth should prevail and that your Lordship should know it, for I am well convinced that you are ignorant of half the iniquity that has been practised at the Cape. Nor will the respectable Commissioners, now proceeding there, be able to discover it, for the inhabitants will be deterred through dread of men in power from telling the truth. I said so much to Mr. Commissioner Bigg.

I therefore most humbly solicit your Lordship, as one of His Majesty's Cabinet and as one of the Pillars of the State in the House of Lords to direct Mr Wilmot, not to oppose the Committee of Inquiry, which will lead to the most important ultimate results; and the same Committee could inquire into the conduct and practices of the Jesuits in Ireland, whose immediate suppression would contribute to the peace of that Country.

A few influential Members of Parliament in opposition, who have been great advocates for the claims of the Roman Catholics, and with whose acquaintance and correspondence I have been honoured for some time, advised me to separate the cause—Popery in the government of the Cape from its effects, the persecution that I suffered, and to petition for redress on the grounds of the great and fatal error committed by His Majesty's Ministers in sending hundreds of British Subjects to perish in South Africa, overruled as Ministers were by the councils of the late Lord

Londonderry, who was the secret mover of the Emigration, a fact which his Lordship's letters to South Africa developed. But My Lord, however uncongenial the ill chosen locations of the settlers at the Cape may be to Colonization, if official men there had acted honestly, and had the organ of its government been a Protestant, as he should have been, I should have had no cause to call the attention of Parliament to the gross violation of every principle of British Liberty, and of the best interests of its great bulwark the Protestant Religion. This My Lord is the strong rock on which I ground all my conduct, and the evidence being in England to prove the facts, it must be very apparent to your Lordship how preposterous it would be for the House to listen to Mr. Wilmot's proposition. It would indeed be worse than childish not to resist such a motion.

I should be extremely sorry to embarrass your Lordship at this critical juncture, but as I value the interests of the Protestant Religion above all other considerations, I feel it my duty to suggest to your Lordship, that should Mr. Wilmot oppose my obtaining a committee, but press my Petition being referred to the commissioners at the Cape, that I hope measures may be adopted by your Lordship for my immediately returning to that Colony, that I may personally institute that enquiry so necessary for the interests of the Protestant Religion and the prosperity of the Settlement.

If the Petition as a mere matter of course be referred to South Africa, then are men to be found there in official situations, who would make no scruple to forswear themselves, truth not being one of the enumerated virtues of the Jesuits.

I am very certain, that Colonel Bird had the copy of my letter of the 29th Sept. 1820, to your Lordship interpolated on its reaching him from Downing Street before he submitted it to Sir Rufane Donkin, the evidence of this fact in my possession is alone sufficient to require your Lordship to dismiss Colonel Bird. Major Nicolls and the Paymaster of the 72nd Regiment now on their way to Guernsey could establish the truth of this allegation, as Sir R. Donkin asserted publicly at his table, that some Officers of Rank were represented by me to your Lordship as being hostile to his Government. It will be found on reference to my letter that there was no such passage.

The more my conduct at the Cape be inquired into, the more

satisfied am I, that your Lordship will find I merit your warmest approbation as a Protestant Nobleman. I have acted a manly and consistent part by an open and honest opposition to the rank corruption of Popery in its government. I boldly faced the insidious enemy of the Established Religion, for which from my cradle I have had such a profound respect. I am assured, that by my perseverance the veil that has so long concealed the truth is now beginning to be removed and if you will be pleased to refer to My Lords Liverpool and Kenyon, Your Lordship will find that I have deserved your countenance even from that course I pursued, which certainly has not as yet produced any signification of your approbation. I have &c.

(Signed) WM. PARKER.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 1st May 1823.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of your Letter of the 14th Ultimo, forwarding Muster Rolls of the two Mounted Troops and of the 5 Divisions of Infantry of the Albany Levy, and requesting His Excellency's Sanction to the Appointment of certain persons as Lieutenants of Division and of Mr. George Dyason as Adjutant, and that you may be furnished with a further supply of 40 Stand of Arms.

I have &c.

(Signed) C. BIRD.

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